

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 14, 2008

Mr. Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

AND

Mr. Granta Nakayama
Assistant Administrator
Office of Enforcement & Compliance Assurance (OECA)
Mail Code 2201A, Room AR 3204
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: Request for Fuel Waiver of Texas Low Emissions Diesel (TxLED) Due to Hurricane Ike

Dear Mr. Johnson and Mr. Nakayama:

Due to the landfall of Hurricane Ike, Governor Rick Perry has issued a disaster proclamation (attached). Due to refinery shutdowns in the impacted coastal areas, we are currently seeing a significant increase in diesel fuel demand in Texas and a tightened supply. In order to ensure adequate diesel supplies, the Texas State Operations Center (SOC), on behalf of the Governor, has requested that the Texas Commission on Environmental Quality (TCEQ) exercise enforcement discretion to allow for the use of Ultra Low Sulfur Diesel (USLD) in place of TxLED through September 30, 2008, in the one hundred ten (110) counties required to use TxLED.

Currently 13 refineries in Texas have been shut down as a result of Hurricane Ike. In order to meet demand and provide for continuity of emergency operations, diesel fuel suppliers from outside the region or state are staged to bring fuel to Texas. It is expected that such supplies may be directed directly to retail outlets, and as such, this fuel will not

be able to meet Texas Low Emission diesel standards. In addition, due to significant power outages in impacted areas, many terminal operations are down or limited in their ability to blend TxLED additives. It is the TCEQ's expectation that terminals or refineries that have adequate additive and supply and are fully operational will continue to supply compliant TxLED diesel fuel, however, at this time, the primary objective is to support emergency operations needs regardless of TxLED availability. The TCEQ will require terminals in Texas to keep records of non-TxLED diesel provided with reasons why such fuel could not be blended to TxLED specifications.

If you have any questions, please feel free to contact Mr. Minor Hibbs, P.E., Keith Sheedy, P.E., or Guy Hoffman of the Chief Engineer's Office, at (512) 239-6590, (512) 239-1556, or (512) 239-6338 respectively.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Vickery". The signature is fluid and cursive, with a large loop at the end of the last name.

Mark Vickery, P.G.
Executive Director



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 15 2008

THE ADMINISTRATOR

The Honorable Rick Perry
Governor
State of Texas
P.O. Box 12428
Austin, Texas 76711

Re: September 2008 Fuel Waiver Concerning TxLED Fuel

Dear Governor Perry:

This is in response to the September 14, 2008 request made on behalf of the State of Texas by Mark Vickery, Executive Director of the Texas Commission on Environmental Quality, that the U.S. Environmental Protection Agency waive certain requirements under the Clean Air Act (CAA) for diesel fuel in Texas. Specifically, EPA is requested to waive the requirement that Texas Low Emission Diesel (TxLED) fuel be sold and distributed in portions of eastern Texas, as the result of the disruption in the supply of fuel caused by Hurricanes Gustav and Ike. As you know, the requirements of Texas' federally-approved State Implementation Plan require TxLED to be sold in a 110-county area¹ of Texas (the "TxLED Counties"). See 70 Fed. Reg. 17321 (April 6, 2005). TxLED is a Texas-specific diesel fuel that is required only in the TxLED Counties, and nowhere else in the country. The requested waiver would allow federal Ultra Low Sulfur Diesel (ULSD) with a maximum sulfur content of 15 parts per million (ppm) to be used in the TxLED Counties for approximately a two-week period. See 40 C.F.R. Part 80, Subpart I. EPA has determined, and the Department of Energy (DOE) concurs, that it is necessary to take action to minimize or prevent disruption of Texas' diesel fuel supply. By this letter, I am granting a waiver of the TxLED requirements in Texas, as provided below.

¹ The "TxLED Counties" are as follows: The Houston-Galveston-Brazoria area (the counties of Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery and Waller); the Beaumont-Port Arthur area (the counties of Hardin, Jefferson and Orange); the Dallas-Fort Worth area (the counties of Collin, Dallas, Denton, Tarrant, Ellis, Johnson, Kaufman, Parker and Rockwall); and the counties of Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bell, Bexar, Bosque, Bowie, Brazos, Burleson, Caldwell, Calhoun, Camp, Cass, Cherokee, Colorado, Comal, Cooke, Coryell, De Witt, Delta, Falls, Fannin, Fayette, Franklin, Freestone, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Harrison, Hays, Henderson, Hill, Hood, Hopkins, Houston, Hunt, Jackson, Jasper, Karnes, Lamar, Lavaca, Lee, Leon, Limestone, Live Oak, Madison, Marion, Matagorda, McLennan, Milam, Morris, Nacogdoches, Navarro, Newton, Nueces, Panola, Polk, Rains, Red River, Refugio, Robertson, Rusk, Sabine, San Jacinto, San Patricio, San Augustine, Shelby, Smith, Somervell, Titus, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Washington, Wharton, Williamson, Wilson, Wise and Wood.

EPA, in consultation with DOE, has been evaluating the impact of supplies of TxLED as the result of disruptions caused both by Hurricanes Gustav and Ike. Widespread power outages and refinery disruptions in the Gulf area following the recent hurricanes have combined to constrain supplies of TxLED to the TxLED Counties. Several of the Gulf-area refineries and terminals that provide TxLED are still shutdown due to damage and/or power outages. Restarts and restoration of refineries and terminals supplying TxLED are currently expected to take a week or more, and the available supply of TxLED will not be sufficient to supply the TxLED Counties until the refineries and terminals providing TxLED are restored to operational condition. As a result of these continuing impacts of Hurricanes Gustav and Ike, EPA has determined, and DOE concurs, that it is necessary to take the following action to minimize or prevent an inadequate supply of TxLED to the TxLED Counties.

I have determined that an "extreme and unusual fuel supply circumstance" exists that will prevent the distribution of an adequate supply of TxLED to consumers in the TxLED Counties in Texas. CAA § 211(c)(4)(C)(ii)(I), 42 U.S.C. § 7545(c)(4)(C)(ii)(I). This extreme and unusual fuel circumstance is the result of Hurricanes Gustav and Ike, natural disasters that could not reasonably have been foreseen or prevented, and is not attributable to a lack of prudent planning on the part of suppliers of the fuel to this area. CAA § 211(c)(4)(C)(ii)(II), 42 U.S.C. § 7545(c)(4)(C)(ii)(II). Furthermore, I have determined that it is in the public interest to grant this waiver and that this waiver applies to the smallest geographic area necessary to address the fuel supply circumstances. CAA § 211(c)(4)(C)(ii)(III) and (iii)(I), 42 U.S.C. § 7545(c)(4)(C)(ii)(III) and (iii)(I).

Therefore, to minimize or prevent problems with the supply of TxLED, I am today issuing this waiver of the TxLED requirements in TxLED Counties in Texas. Under this waiver, EPA will allow regulated parties to use federally-compliant ULSD in the TxLED Counties. This waiver is effective immediately and will continue through 11:59 p.m. on September 30, 2008. Retail outlets and wholesale purchaser-consumers that receive TxLED under this waiver may continue selling or dispensing this fuel after September 30th, until their supplies are depleted.

This waiver only authorizes the distribution and sale of ULSD in the TxLED Counties. This waiver does not authorize the use of undyed highway diesel fuel nor dyed non-road diesel fuel meeting the 500 ppm sulfur standard found at 40 C.F.R. Part 80, Subpart I in the TxLED Counties.

To the extent practicable and as supplies are available, regulated parties should supply and/or dispense TxLED prior to distributing or using ULSD under this waiver. Pursuant to this waiver regulated parties may commingle ULSD and TxLED (*e.g.*, in terminal storage tanks) where necessary. However, to the extent practicable and consistent with supplying market demands (*i.e.*, where tankage is available) regulated parties should take steps to segregate TxLED and ULSD.

After September 30, 2008, refiners and importers may not produce or import ULSD for use in the TxLED Counties. However, any ULSD for use in the TxLED

Counties that is in the distribution system on September 30, 2008 may be distributed and sold until the supply is depleted. ULSD that is in the possession of parties other than retailers and wholesale purchaser-consumers must meet the TxLED requirements by no later than October 15, 2008. Retailers and wholesale purchaser-consumers may continue selling or dispensing ULSD until their supplies are depleted.

EPA will continue to work with DOE and affected states to monitor the impact of Hurricanes Gustav and Ike on the TxLED supply situation in eastern Texas. If you have questions you may call me, or your staff may call Adam M. Kushner at (202) 564-2260.

Sincerely,

A handwritten signature in black ink, appearing to read "S. L. Johnson", written over the printed name.

Stephen L. Johnson

cc: The Honorable Samuel W. Bodman
Secretary of Energy

incoming R6-04-000-3643



OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

December 16, 2004

Mr. Richard E. Greene
Regional Administrator
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Dear Richard:

I have recently become aware of ConocoPhillips' Beacon Port LNG project proposed for the Gulf of Mexico. I am concerned with several far reaching decisions facing the Beacon Port project and ask that you arrange for a meeting with representatives of ConocoPhillips as soon as possible to discuss this matter in greater detail. From what I understand, offshore development of deep water ports could be impacted for a portion of the Texas coast.

The Beacon Port project is approximately 50 miles offshore of the Texas and Louisiana coast. Under current initial interpretations from EPA Region 6, ConocoPhillips has been told that under the Deep Water Port Act, the Beacon Port facility must be permitted as if it were in a non-attainment area. However, if the location is adjusted just a few miles to the east (Louisiana), the project may be permitted as if in an attainment area. If this interpretation is validated by your office, it has the potential to severely curtail or impede any future industrial development off the Texas coast. At a time when numerous LNG facilities are being proposed, it would be disappointing to see such an arbitrary and capricious interpretation virtually disqualify Texas from the opportunity to develop LNG terminals or other projects in the future.

My office will follow up with you in the near future regarding the progress of your discussions and what steps we may take to help you in your deliberations. As a strong supporter of bringing LNG facilities to Texas, I stand ready to assist you in this matter.

Sincerely

Rick Perry

Rick Perry
Governor

RP:pw

✓
RA ✓
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MAST

Rob Lawrence



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

1445 Ross Avenue, Suite 1200

Dallas Texas 75202 - 2733

JAN 28 2005

Office of the Regional Administrator

The Honorable Rick Perry
Governor of Texas
Austin, TX 78711

Dear Governor Perry:

Thank you for your letter of December 16, 2004, regarding the proposed ConocoPhillips Beacon Port liquified natural gas project. I share your concern for the future of environmentally protective industrial development off the Texas coast.

On November 8, 2004, representatives from ConocoPhillips met with EPA staff to discuss the proposed deep water port project. The meeting focused on what needed to be included in the air permit application before ConocoPhillips submits the deep water port license package to the U.S. Coast Guard. One significant issue discussed at the meeting was the proposed project location 50 miles offshore from the Houston-Beaumont nonattainment area.

The meeting yielded no final determination on how the facility would be treated for air permitting purposes, if located offshore from the nonattainment area. Deep water ports are being proposed around the country, and EPA is considering how to address the air quality impacts of these facilities. Be assured that we will review this issue fully with officials at the Texas Commission on Environmental Quality before reaching a decision, and that any decision will be based on a thorough and sound evaluation process.

We have scheduled another meeting with ConocoPhillips staff this week in anticipation of a formal application with specific project details. At that time, we will work toward a definitive statement regarding applicable requirements under the Clean Air Act.

Please give me a call at (214) 665-2100 if you would like to discuss this matter further at this time, or have your staff contact Mr. Rob Lawrence of my staff at (214) 665-6580.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Richard E. Greene".

Richard E. Greene
Regional Administrator

cc: Mr. Glenn Shankle, Executive Director
Texas Commission on Environmental Quality

The seal of the State of Texas, featuring a five-pointed star in the center, surrounded by a wreath of olive and oak branches. The words "THE STATE OF TEXAS" are inscribed around the perimeter of the seal.

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 (512) 463-2000 (VOICE)/DIAL 7-1-1 FOR RELAY SERVICES
VISIT WWW.TEXASONLINE.COM THE OFFICIAL WEB SITE OF THE STATE OF TEXAS



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

APR 1 2005

The Honorable Rick Perry
Governor of Texas
P.O. Box 12428
Austin, TX 78711

Dear Governor Perry:

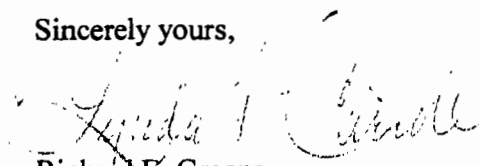
Thank you for your March 1, 2005, letter concerning the Gulfco Marine Maintenance Superfund Site in Freeport, Texas. You asked that the U.S. Environmental Protection Agency (EPA) allow the site to be cleaned up under the Texas Voluntary Cleanup Program so it can be deleted quickly from the National Priorities List of Superfund sites.

I share your desire to see the site cleaned up quickly and returned to productive use in the community. Toward that end, we are working with the potentially responsible parties and the Texas Commission on Environmental Quality to resolve several issues so the cleanup can proceed using appropriate State authority.

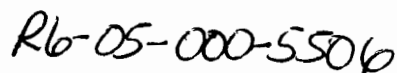
We believe a Federal cleanup via an Administrative Order on Consent is the most expeditious way to address this site. At meetings with the potentially responsible parties on March 7 and April 1, 2005, I requested an outline of an investigation and cleanup that would take into account EPA's oversight role, public participation, and assurance that all appropriate response actions are completed, as well as a cleanup that is consistent with other National Priorities List actions. We would like to see this matter resolved as soon as possible and anticipate a timely reply from the potentially responsible parties.

I have enclosed a fact sheet with additional information on this matter. If I may be of further assistance, please contact me at (214) 665-2100.

Sincerely yours,


Richard E. Greene
Regional Administrator

Enclosure

[illegible]

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2005 APR -6 PM 2:28

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FEDERAL AFFAIRS DIVISION

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

APR 25 2005

The Honorable Rick Perry
Governor of Texas
Austin, TX 78711

Dear Governor Perry:

Thank you for your April 1, 2005, letter expressing the State of Texas' support of the U.S. Environmental Protection Agency's decision to consider the Pelican Bay Groundwater Plume Site as a candidate for the Superfund National Priorities List. The Texas Commission on Environmental Quality (TCEQ) has provided valuable assistance in the study of this site, and we look forward to working with the TCEQ at the Pelican Bay site.

I appreciate your support for our collaborative efforts to protect public health and the environment in the State of Texas. If I may be of further assistance, please give me a call at (214) 665-2100.

Sincerely yours,

Richard E. Greene
Regional Administrator

cc: Texas Commission on
Environmental Quality ✓



RT-07-001-0052
6RA.....6EN.....
6DRA.....6WQ.....
6MD.....6SF.....
6OEJ.....6RC.....
6PD.....6XA.....

OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

June 15, 2007

Stephen L. Johnson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Johnson:

On May 23, 2007, the Texas Commission on Environmental Quality (TCEQ), adopted the revisions of the State Implementation Plan pertaining to the Houston-Galveston-Brazoria (HGB) ozone nonattainment area and the Dallas-Fort Worth ozone nonattainment area. Because the HGB area is classified as a *moderate* nonattainment area for the eight-hour National Ambient Air Quality Standard (NAAQS) under the Federal Clean Air Act, the HGB area is required to attain the eight-hour ozone NAAQS by June 2010. Through extensive analysis, the TCEQ has determined that it is practicably impossible for the HGB area to meet the 2010 attainment date. In letters dated April 17, 2007 and May 21, 2007 from Administrator Greene and Acting Administrator William Wehrum to the TCEQ Chairman, EPA encouraged Texas to pursue a reclassification and described minimum requirements to fulfill SIP submittal obligations for the HGB area.

Therefore, concurrent with our SIP revisions, consistent with EPA's current guidance, and pursuant to Federal Clean Air Act § 107 (d)(3)(D), I request a reclassification of the HGB nonattainment area. Although preliminary technical data indicates that TCEQ's significant improvement is expected through 2013, more time is needed to demonstrate attainment. I request that the HGB area's ozone designation be reclassified to *severe*, with an attainment date of June 15, 2019.

Given the huge population, one of the largest and most comprehensively controlled petrochemical complexes in the world, and subtropical climate, the HGB area faces great challenges in meeting the eight-hour ozone standard. Modeling indicates that not even a complete shut down of the Houston Ship Channel industrial area would bring about sufficient reductions to bring the HGB area into attainment by 2010. Nevertheless, Texas has developed stringent and innovative regulations for the HGB area that aggressively address nitrogen oxides and volatile organic compounds. Estimated costs of implemented industry controls are currently at \$3 billion.

As acknowledged by Administrator Greene's letter, Texas has made tremendous progress over the past 15 years in addressing ozone in the HGB area. The one-hour ozone rules, which will not be fully implemented until 2008, have already decreased the ozone design value from around 220 parts per billion (ppb) in 1991 to 169 ppb in 2005. TCEQ analysis predicts the area of exceedance of the eight-hour standard will decrease over 80 percent from 2000 to 2009 (from 23,400 square kilometers to 4416 square kilometers). These decreases are expected to continue despite a rapid growth in the area's economy and population.

Within the next several years, major mobile source reductions and updated ozone model episodes are needed for HGB to demonstrate attainment. Since mobile sources are estimated to account for 54 percent of the overall nitrogen oxide emissions in HGB by 2009, reductions in this area are critical. Emissions from mobile sources will continue to decrease every year as new federal fuel and engine standards are implemented. Nitrogen oxide emissions from on-road mobile sources will decrease around 10% per year without any further state regulation. Texas has addressed mobile source emissions, not preempted by federal law, as much as possible through programs such as the Texas Emission Reduction Program (TERP) and Texas low emission diesel (TxLED). Over \$200 million has been spent on TERP alone in HGB since 2001. Additionally, Texas has just completed Texas Air Quality Study II (TexAQS II) which was in part funded with \$9 million in state funds since 2004. The data from TexAQS II will be used to develop new episodes for 2005 and 2006 that will result in a more robust, technically-sound, and economically-feasible SIP that will get the HGB area into attainment as soon as practicable.

Texas will work with the EPA to establish an appropriate deadline for SIP submission. We understand that the deadline for a SIP submission should be as soon as practicable but not later than June 15, 2010. I can assure you that Texas will do everything feasible to achieve attainment in HGB as soon as practicable in order to protect public health, while maintaining a strong economy.

Sincerely,

Rick Perry

Rick Perry
Governor of Texas

RP:zc

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 13, 2007

Docket No. 2006-1892-SIP

Richard E. Greene, Regional Administrator
U.S. Environmental Protection Agency - Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

Dear Mayor Greene:

On May 23, 2007, the Texas Commission on Environmental Quality (Commission) adopted revisions to the State Implementation Plan (SIP) for the Houston-Galveston-Brazoria (HGB) Nonattainment Area concerning Reasonable Further Progress (RFP) for the Eight-Hour Ozone National Ambient Air Quality Standard (NAAQS) and a Motor Vehicle Emissions Budget (MVEB) for 2008.

The Commission approved the adoption of SIP revisions demonstrating a 15 percent emissions reduction in nitrogen oxides for the analysis period 2002-2008. The SIP revision demonstration establishes baseline emission levels, calculates reduction targets, identifies control strategies to meet emission target levels, tracks actual emission reductions against established emissions growth and control budgets, and includes a motor vehicle emissions budget for the milestone year 2008.

Enclosed are the proposed revisions to the SIP, a public hearing certification, a complete record of the public hearings, and the accompanying order. I look forward to your expeditious approval of these SIP revisions.

Sincerely,

A handwritten signature in black ink that reads "Kathleen H White".

Kathleen Hartnett White
Chairman

KHW/js

Enclosures

cc: The Honorable Rick Perry, Governor of Texas
Mr. Zak Covar, Office of Budget, Planning and Policy, Office of the Governor
Mr. Glenn Shankle, Executive Director, Texas Commission on Environmental Quality

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



THE STATE OF TEXAS

COUNTY OF TRAVIS

This is to certify that the attached are true and correct copies of documents for a revision to the Texas State Implementation Plan, adopted on May 23, 2007, pursuant to 40 Code of Federal Regulations (C.F.R.) § 51.104. I am the records administrator for the Air Quality Division of the Texas Commission on Environmental Quality (Commission).

A handwritten signature in cursive script, reading "Susana M. Hildebrand".

Susana M. Hildebrand, P.E.
Director, Air Quality Division
Texas Commission on Environmental Quality

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



THE STATE OF TEXAS
COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a
Texas Commission on Environmental Quality document,
which is filed in the permanent records of the Commission.
Given under my hand and the seal of office on

Labonne Castanuela MAY 30 2007

Labonne Castanuela, Chief Clerk
Texas Commission on Environmental Quality

ORDER ADOPTING REVISIONS TO THE STATE IMPLEMENTATION PLAN (SIP)

Docket No. 2006-1892-SIP

On May 23, 2007, the Texas Commission on Environmental Quality (Commission), during a public meeting, considered adoption of revisions to the Houston-Galveston-Brazoria (HGB) state implementation plan (SIP) concerning Reasonable Further Progress (RFP) for the Eight-Hour Ozone National Ambient Air Quality Standard (NAAQS) and a Motor Vehicle Emissions Budget (MVEB) for 2008. The Commission adopts revisions to the HGB SIP for RFP for the Eight-Hour Ozone NAAQS and a MVEB for 2008. The revisions to the SIP demonstrate a 15 percent emissions reduction in nitrogen oxides for the analysis period 2002-2008.

Under Tex. Health & Safety Code Ann. §§ 382.011, 382.012, and 382.023 (Vernon 2001), the Commission has the authority to control the quality of the state's air and to issue orders consistent with the policies and purposes of the Texas Clean Air Act, Chapter 382 of the Tex. Health & Safety Code. Notice of the proposed revisions to the HGB SIP was published for comment in the December 29, 2006 issue of the *Texas Register* (31 TexReg 10956-10957).

Pursuant to 40 Code of Federal Regulations § 51.102 and after proper notice, the Commission conducted public hearings to consider the revisions to the SIP. Proper notice included prominent advertisement in the areas affected at least 30 days prior to the dates of the hearings. Public hearings were held in Houston on January 29, 2007, Dallas on January 31, 2007, Arlington on February 1, 2007, Midlothian on February 1, 2007, Longview on February 6, 2007 and Austin on February 8, 2007.

The Commission circulated hearing notices of its intended action to the public, including interested persons, the Regional Administrator of the EPA, and all applicable local air pollution control agencies. The public was invited to submit data, views, and recommendations on the proposed SIP revisions, either orally or in writing, at the hearings or during the comment period. Prior to the scheduled hearings, copies of the proposed SIP revisions were available for public inspection at the Commission's central office and on the Commission's Web site.

Data, views, and recommendations of interested persons regarding the proposed SIP revisions were submitted to the Commission during the comment period, and were considered by the Commission as reflected in the analysis of testimony incorporated by reference to this Order. The Commission finds that the analysis of testimony includes the names of all interested groups or associations offering comment on the proposed SIP revisions and their position concerning the same.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JUL 18 2007

Kathleen Hartnett White
Chairman
Texas Commission on Environmental Quality
Post Office Box 13087
Austin, TX 78711-3087

Dear Chairman White:

Thank you for your letter of June 13, 2007, submitting revisions to the Texas State Implementation Plan (SIP) for the Houston/Galveston/Brazoria (HGB) area. The SIP package we received includes revisions to the Voluntary Mobile Source Emission Reduction program in the area, revisions to the Texas Low Emission Diesel rule, and revisions to the volatile organic compounds control program relating to floating roof storage vessels. We also received a SIP addressing the Reasonable Further Progress requirement for the 8-hour ozone standard in the HGB area.

In addition, we are in receipt of a request from Governor Perry to reclassify the HGB area to "severe" for the 8-hour ozone standard.

We will review the proposed revisions for completeness and approvability, and will take final action on the SIP revisions and the request for reclassification in a timely manner. We will keep the TCEQ informed of our progress during this process.

If we can assist you further, please call me at (214) 665-2100, or your staff may contact Carl Young of my staff at (214) 665-6645.

Sincerely yours,

Richard E. Greene
Regional Administrator

cc: The Honorable Rick Perry, Governor of Texas
Mr. Zak Covar, Office of Budget, Planning and Policy, Office of the Governor
Mr. Glenn Shankle, Executive Director, Texas Commission on Environmental Quality

Re-07-001-0052



OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

March 10, 2009

RECEIVED
2009 MAR 12 PM 2:05
EXTERNAL AFFAIRS DIVISION

Mr. Lawrence E. Starfield
Acting Regional Administrator
U.S. Environmental Protection Agency (EPA), Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Dear Mr. Starfield:

Pursuant to the requirements in Section 107(d)(1)(A) of the federal Clean Air Act, we have enclosed the recommendation for designation of areas in Texas with regard to the revised National Ambient Air Quality Standard for eight-hour ozone of 0.075 parts per million.

The Texas Commission on Environmental Quality (TCEQ) developed the enclosed recommendation, considering currently available, eligible monitoring data for all areas in Texas from the 2005-2007 period. The State of Texas recommendation also takes into account the 2008 data, which will be certified in accordance with EPA requirements.

The commission understands that EPA plans to utilize the most recent three years of ambient monitoring data as the basis for designations. Additionally, 2009 certified data may be available for the EPA's consideration in making the designations. TCEQ staff members are available to work with you regarding the appropriate data submission.

If you have any questions or need additional information, please feel free to contact TCEQ Chairman Buddy Garcia at (512) 239-5515.

Sincerely,

Rick Perry
Rick Perry
Governor

RP:tbp

Enclosure

cc: Mr. Buddy Garcia, Chairman, TCEQ

State of Texas
2008 Eight-Hour Ozone Standard of 0.075 parts per million
Designation Recommendation

The following counties, listed by air quality planning area, should be designated nonattainment. All the rest of the counties in Texas should be designated attainment/unclassifiable.

Austin-Area

Travis

Beaumont-Port Arthur Area

Hardin

Jefferson

Orange

Dallas-Fort Worth Area

Collin

Dallas

Denton

Ellis

Hood

Johnson

Kaufman

Parker

Rockwall

Tarrant

El Paso County with the exception of tribal lands, i.e., Ysleta Del Sur
Reservation or Trust Lands

Houston-Galveston-Brazoria Area

Brazoria

Chambers

Fort Bend

Galveston

Harris

Liberty

Montgomery

Waller

San Antonio Area

Bexar

Tyler Area

Gregg

Rusk

Smith



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

**1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733**

APR 2 2009

The Honorable Rick Perry
Governor
Post Office Box 12428
Austin, TX 78711

Dear Governor Perry:

Thank you for your letter of March 10, 2009, regarding your recommendation on the designations for the State of Texas under the 2008 ozone national ambient air quality standard.

Later this year we will notify you on areas we propose to designate as attainment, nonattainment or unclassifiable for the 2008 ozone standard. The Clean Air Act defines an area as nonattainment if it violates a national ambient air quality standard or if it contributes to a violation in a nearby area.

We appreciate the work of the Texas Commission on Environmental Quality to protect the environment and look forward to continuing to work with you. If you have any questions regarding area designations for ozone, please contact me at (214) 665-2100 or have your staff contact Carl Young of my staff at (214) 665-6645.

Sincerely yours,

A handwritten signature in black ink, which appears to read "L. E. Starfield", is written over the typed name.

Lawrence E. Starfield
Acting Regional Administrator

cc: Mr. Buddy Garcia, Chairman
Texas Commission on Environmental Quality



R6-09-001-1334

OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

July 8, 2009

Mr. Lawrence E. Starfield
Acting Regional Administrator
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

RE: Proposed Listing of the Van der Horst USA Corporation site on the Federal National
Priorities List

Dear Mr. Starfield:

Texas supports the U.S. Environmental Protection Agency's (EPA) decision that the Van der Horst USA Corporation site be considered as a candidate site for the Federal National Priorities List (NPL) for cleanup.

The Texas Commission on Environmental Quality (TCEQ) has actively sought to address this site under the Texas programs. TCEQ believes that this site is eligible for the proposed NPL listing based on EPA evaluation of the site under the federal Hazard Ranking System.

Sincerely,

A large, stylized handwritten signature of Rick Perry in black ink.

Rick Perry
Governor

RP:khp

cc: Mr. Buddy Garcia, Chairman, TCEQ
Mr. Mark R. Vickery, P.G., Executive Director, TCEQ
Mr. Brent Wade, Director, Remediation Division, TCEQ

GENERAL AFFAIRS DIVISION

2009 JUL 16 PM 6:26

RECEIVED



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200

DALLAS, TX 75202-2733

AUG 12 2009

The Honorable Rick Perry
Governor of Texas
Post Office Box 12428
Austin, TX 78711

Dear Governor Perry:

Thank you for your July 8, 2009, letter expressing the State of Texas's support of the U.S. Environmental Protection Agency's (EPA) decision to consider Van der Horst USA in Terrell, Texas, as a candidate for the Superfund National Priorities List (NPL). EPA anticipates proposing this site during the next NPL proposal cycle, tentatively scheduled for September 2009.

Representatives from EPA's Superfund Remedial Branch are looking forward to working with Texas Commission on Environmental Quality, the Texas Department of Transportation, and the City of Terrell in beginning the remedial investigation. I appreciate your support for our collaborative efforts to protect public health and the environment in the State of Texas. If you have any questions, please call me at (214) 665-2100, or your staff may contact Cynthia Fanning of my staff, at (214) 665-2142.

Sincerely yours,

A handwritten signature in black ink, reading "Lawrence E. Starfield".

Lawrence E. Starfield
Acting Regional Administrator

cc: Mr. Brent Wade, TCEQ, Remediation Division
Mr. Torrey Edwards, City Manager, City of Terrell
Diane Noble, Texas Department of Transportation

AUG 12 2009

Control #R6-09-1334 re Van der Horst USA
Level E-Concurrence and Director Level Concurrence

Electronic concurrence: lead staff writer please complete this section

Stenger
6FS-T

Meyer
SFS-TR

Turner
6SF-RC

Director concurrence:

6SF
Coleman

[Signature]
8/11/09

6RC
Murray

[Signature]
8/11/09

6XA
Gray

[Signature]
8/11/09
Congressional
Liaison

CF 8/11

DRA
Flores

[Signature]
8/12/09



R6-09-001-5799
6PD

OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

October 14, 2009

Mr. Larry Starfield
Acting Regional Administrator, Region 6
U.S. Environmental Protection Agency (EPA)
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Dear Administrator Starfield:

Pursuant to the requirements in Section 107(d)(1)(A) of the Federal Clean Air Act, enclosed is the recommendation for designation of areas in Texas with regard to the revised National Ambient Air Quality Standard for lead of 0.15 micrograms per cubic meter.

The Texas Commission on Environmental Quality (TCEQ) developed its recommendations considering available eligible monitoring data for all areas in Texas from the 2006-2008 period. Based on review and analysis of 2006 lead monitoring data, dispersion modeling and factor analysis, TCEQ recommends that the portion of Collin County located in the City of Frisco that is bounded to the north by latitude 33.158, to the east by longitude -96.82, to the south by latitude 33.127 and to the west by longitude -96.84, be designated nonattainment as regards the 2008 lead standard. TCEQ recommends that the remaining portions of Collin County, along with all other Texas counties, be designated as attainment unclassifiable.

TCEQ understands that EPA plans to utilize the most recent three years of ambient monitoring data as the basis for designations. TCEQ staff is available to work with you regarding any additional data and information.

If you have any questions, please contact TCEQ Commissioner Buddy Garcia at (512) 239-5515.

Sincerely,

Rick Perry
Rick Perry
Governor

RP:dkp

Enclosures

cc: Mr. Buddy Garcia

2009 OCT 20 PM 2:11
RECEIVED
GENERAL AFFAIRS DIVISION

Legend

microgram per cubic meter
0.000000 - 0.075000

- 0.075001 - 0.154999
- 0.155000 - 0.225000
- 0.225001 - 0.300000
- 0.300001 - 0.450000
- 0.450001 - 1.420000

**Proposed Texas Nonattainment
Area for the 2008 Lead Standard
Exhibit A-1**

Ref: NAD83 (512) 238-1104

Aug. 28, 2009

26.819889

33.158193

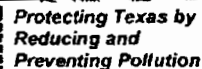
**Denton
County**



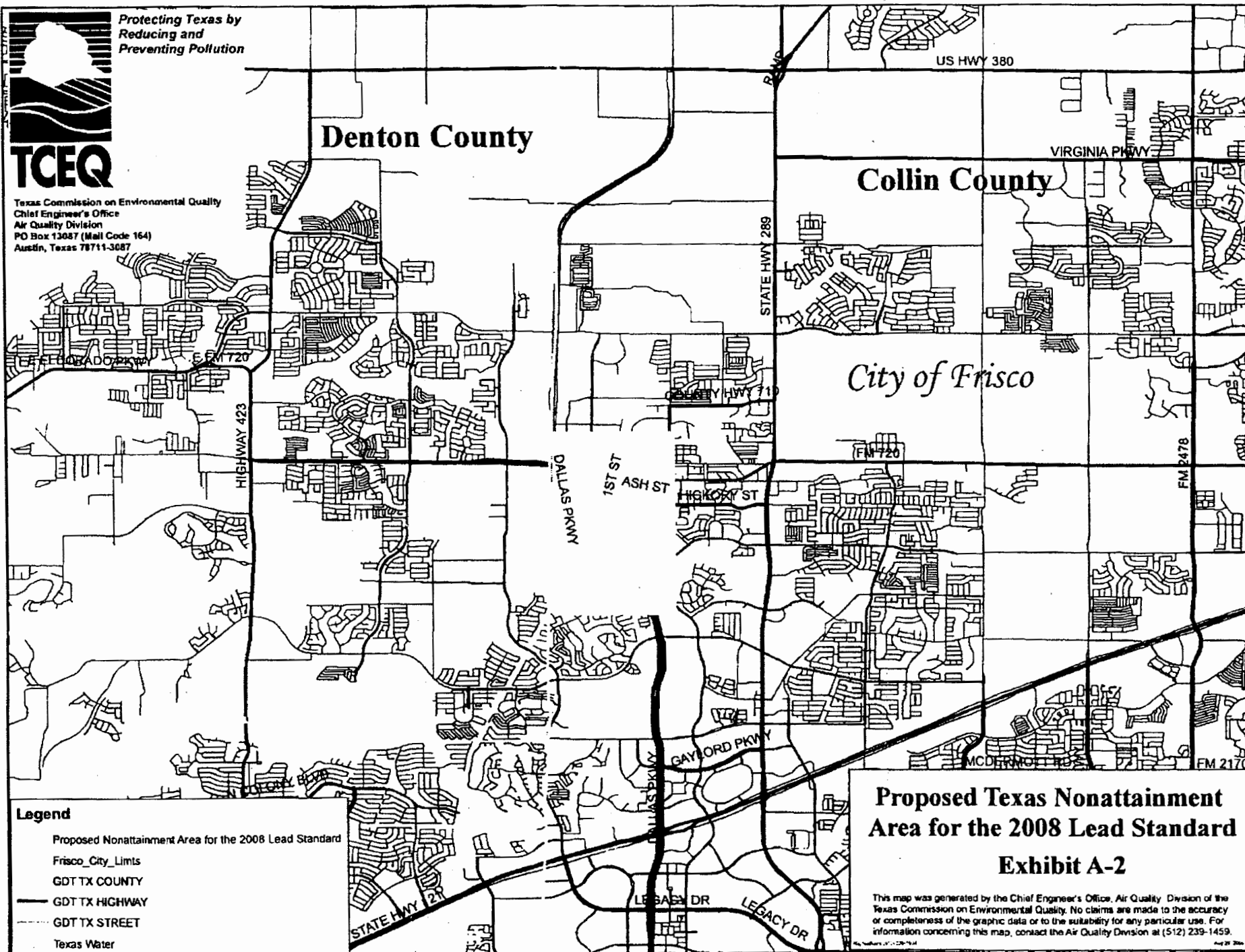
Collin County

26.819889

33.127371



Texas Commission on Environmental Quality
Chief Engineer's Office
Air Quality Division
PO Box 13087 (Mail Code 164)
Austin, Texas 78711-3087



**Proposed Texas Nonattainment
Area for the 2008 Lead Standard
Exhibit A-2**

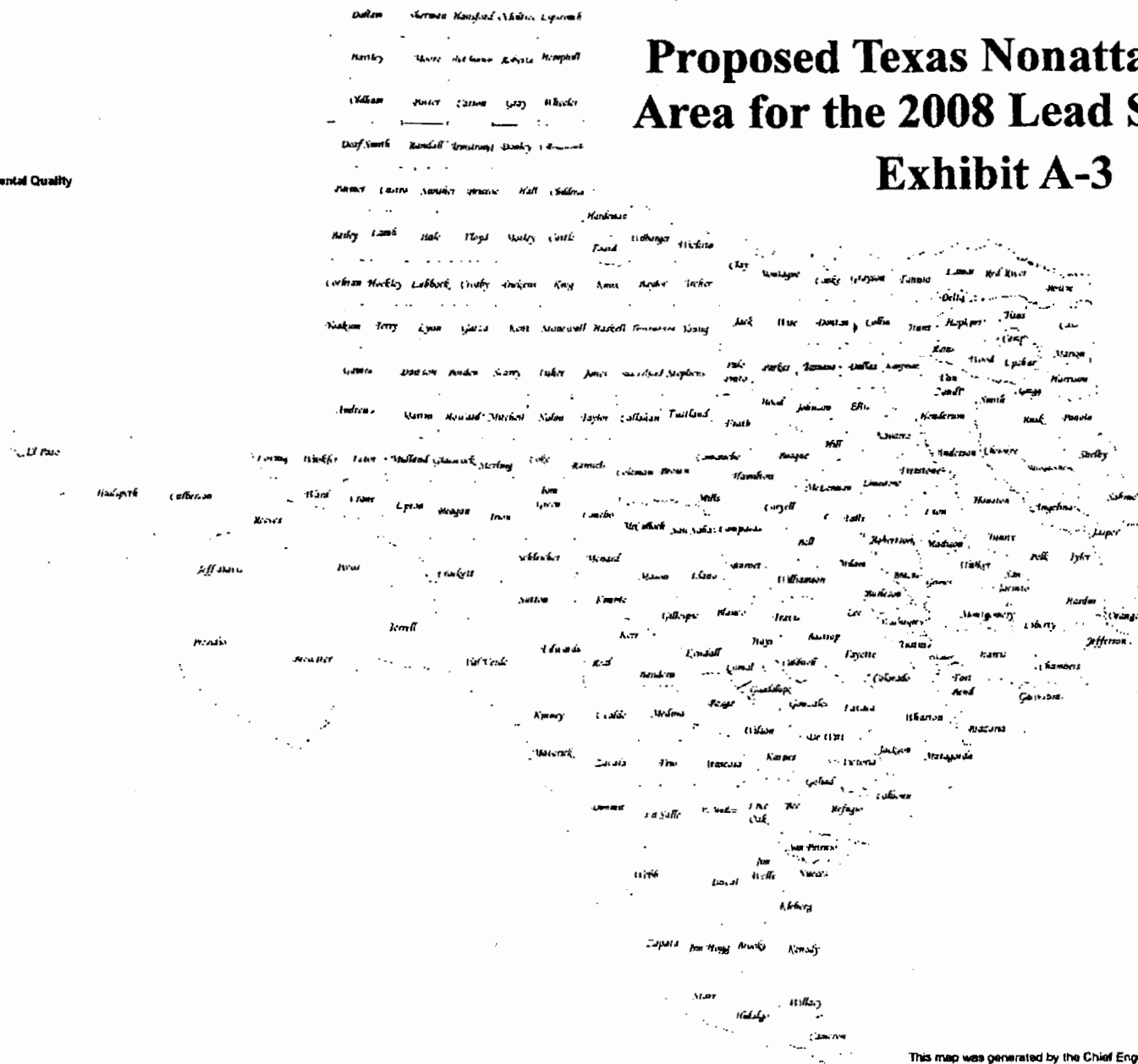
This map was generated by the Chief Engineer's Office, Air Quality Division of the Texas Commission on Environmental Quality. No claims are made to the accuracy or completeness of the graphic data or to the suitability for any particular use. For information concerning this map, contact the Air Quality Division at (512) 239-1459.



Protecting Texas by
Reducing and
Preventing Pollution

Texas Commission on Environmental Quality
Chief Engineer's Office
Air Quality Division
PO Box 13087 (Mail Code 184)
Austin, Texas 78711-3087

Proposed Texas Nonattainment Area for the 2008 Lead Standard Exhibit A-3



Legend

TX Interstates

TX Counties

Frisco_City_Limits

Proposed Nonattainment Area for the 2008 Lead Standard

This map was generated by the Chief Engineer's Office, Air Quality Division of the Texas Commission on Environmental Quality. No claims are made to the accuracy or completeness of the graphic data or to the suitability for any particular use. For information concerning this map, contact the Air Quality Division at (512) 239-1459.
Aug 28, 2008



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

NOV 4 2009

R6-10-001-1586

The Honorable Rick Perry
Governor of Texas
State Capitol
Post Office Box 12428
Austin, Texas 78711

Dear Governor Perry:

Thank you for your letter dated October 14, 2009, regarding your recommendation for designating a portion of Collin County located in the City of Frisco as nonattainment, and the remaining portions of Collin County along with all other Texas counties as attainment/unclassifiable under the 2008 revised National Ambient Air Quality Standard for lead.

EPA will review your recommendation, and in 2010, we will notify you of areas we propose to designate as attainment, as nonattainment, or unclassifiable for the 2008 lead standard. At that time we will provide you with an opportunity to comment on our proposal for area designations. We plan to issue final designations no later than October 2010.

If you have any questions, please contact me at (214) 665-2100, or your staff may contact Mr. Emad Shahin of my staff, at (214) 665- 6717.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Starfield".

Lawrence E. Starfield
Acting Regional Administrator

cc: Mr. Bryan Shaw
Chairman, Texas Commission on Environmental Quality



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

AUG 17 2010

The Honorable Rick Perry
Governor of Texas
Post Office Box 12428
Austin, TX 78711

Dear Governor Perry:

Thank you for your letter dated July 8, 2010, supporting the U.S. Environmental Protection Agency's (EPA) decision to consider the West County Road 112 Groundwater Site as a candidate for the National Priorities List under the Comprehensive Environmental Response, Compensation, and Liability Act, commonly known as the Superfund program. EPA's Superfund program has cleaned thousands of contaminated sites, helping protect human health and our environment, as well as fostering local redevelopment.

We look forward to working together with the Texas Commission on Environmental Quality in identifying and addressing risks associated with the West County Road 112 Groundwater Site to provide the residents of this community safe drinking water. If you have any further questions, please contact me at (214) 665-2100, or your staff may contact Ms. Brenda Nixon Cook of my staff at (214) 665-7436.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Arriendariz", is written over a horizontal line. Below the signature, the name "Al Arriendariz" and the title "Regional Administrator" are printed.

Al Arriendariz
Regional Administrator

cc: Bryan Shaw, Ph.D.
Chairman, Texas Commission on Environmental Quality

Mark R. Vickery, P.G.
Executive Director, Texas Commission on Environmental Quality

Mr. John Sadlier
Deputy Director, Office of Compliance and Enforcement
Texas Commission on Environmental Quality

Mr. Brent Wade
Director, Remediation Division
Texas Commission on Environmental Quality



R6-10-001-7397

RECEIVED

2010 OCT 18 PM 2:42

OFFICE OF THE GOVERNOR

EXTERNAL AFFAIRS DIVISION

RICK PERRY
GOVERNOR

October 13, 2010

6RA. Copy w/ Attach 6EN.....
6DRA. Copy w/ Attach 6WQ.....
6MD..... 6SF.....
6OEJ..... 6RC.....
6PD. Original 6XA. 2 copies.....
 controlled w/ attach

Alfredo Armendariz, Ph.D.
Regional Administrator
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

RE: Revised Boundary Recommendation for the 2008 National Ambient Air Quality Standard
(NAAQS) for Lead

Dear Dr. Armendariz:

Please find enclosed a revised recommendation for designation of an area in Collin County, Texas, as nonattainment with regard to the 2008 NAAQS for lead of 0.15 micrograms per cubic meter.

Based on new evidence brought to my attention regarding a permit alteration submitted to the Texas Commission on Environmental Quality (TCEQ) by Exide Technologies, I believe it is appropriate to submit a revised lead nonattainment area boundary recommendation. The revised recommendation included in this package reflects the reduced permitted allowable emission rates contained in Exide Technologies' air quality permit No. 1147A. I submitted my original designation recommendation for the 2008 lead standard on October 14, 2009, based on existing monitoring and dispersion modeling that used existing permitted emission rates. The revised recommendation used the same methodology as the original recommendation, but incorporates reduced permit limits in the dispersion modeling, thereby reducing the size of the nonattainment area.

Based on updated dispersion modeling and analysis performed by TCEQ, Texas recommends that the portion of Collin County located in the City of Frisco that is bounded to the north by latitude 33.153, to the east by longitude -96.822, to the south by latitude 33.131, and to the west by longitude -96.837, be designated nonattainment for the 2008 lead standard. The

Alfredo Armendariz, Ph.D.

October 13, 2010

Page 2

recommended nonattainment boundary is also depicted on the enclosed maps, "Proposed Texas Nonattainment Area for the 2008 Lead Standard Exhibit 1" and "Proposed Texas Nonattainment Area for the 2008 Lead Standard Exhibit 2." I have included a copy of the revised permit and modeling analysis for your convenience.

If you have any questions, please feel free to contact TCEQ Executive Director Mark Vickery at (512) 239-3900.

Sincerely,

A handwritten signature in black ink that reads "Rick Perry". The signature is written in a cursive, slightly stylized font.

Rick Perry
Governor

RP:tbp

Enclosures

cc: Mark R. Vickery, P.G



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

THE ADMINISTRATOR

The Honorable Rick Perry
Governor of Texas
State Capitol
Austin, TX 78711

Dear Governor Perry:

Based on the most recent air quality data, the U.S. Environmental Protection Agency (EPA) has determined that one area in TX does not meet the 2008 National Ambient Air Quality Standards (NAAQS) for lead. As directed by the Clean Air Act, EPA is designating this area nonattainment. I appreciate the information that TX shared with EPA as we take this step to inform citizens about their air quality and begin the process of protecting public health by reducing lead levels in the air.

The enclosed table lists the area within TX that EPA is designating as nonattainment in this initial round of designations. For this area you will need to take action to reduce lead emissions.

Reducing levels of lead pollution is an important part of EPA's commitment to a clean, healthy environment. Lead exposure can cause a range of adverse health effects, most notably in children. Exposures to low levels of lead early in life have been linked to effects on Intelligence Quotient, learning, memory and behavior.

On October 15, 2008, EPA substantially strengthened the NAAQS for lead. The level of the 2008 lead standards, set at 0.15 micrograms per cubic meter, is 10 times tighter than the previous standards. In conjunction with strengthening the lead standards, EPA improved the existing lead monitoring network by requiring monitors to be placed in areas with sources, such as industrial facilities, that emit one ton or more per year of lead, and at other sites.

The Clean Air Act requires EPA to complete the process of designating areas as "nonattainment", "attainment", or "unclassifiable" within two years of establishing a new or revised NAAQS. EPA may extend the designation process by up to one year if the agency has insufficient information to make these designations. Because the expanded lead monitoring network will provide additional data for consideration next year, EPA will complete the lead designations in two rounds. In the first round, which is being finalized today, EPA is designating

as "nonattainment" any area that is violating the 2008 lead standards based on data from the pre-2010 monitoring network. For all other areas, EPA is extending the deadline for designations by up to one year so that data from the newly deployed monitors can be considered in making appropriate designation decisions. EPA will complete the second round of lead designations by October 15, 2011.

Accordingly, EPA is deferring designation decisions for the rest of TX for up to one additional year so that additional lead air quality data can be collected and evaluated. As we mentioned in our letter sent to you on June 15, 2010, if you would like to submit updated recommendations for the rest of your state for our consideration in the second round of designations, please do so by December 15, 2010. For the second round of designations, EPA will notify states and tribes of our preliminary responses to their recommendations no later than June 17, 2011.

For areas designated nonattainment at this time, states must develop a State Implementation Plan (SIP) that meets the requirements of the Clean Air Act. These SIPs must be submitted to EPA by June 30, 2012. The nonattainment areas must attain the lead NAAQS as expeditiously as practicable but no later than December 31, 2015. Staff in your EPA regional office is available to answer questions and discuss these matters with your staff.

Thank you for your continued work to improve air quality. We look forward to working with you and your staff to reduce lead in the air. For additional technical information, please visit <http://www.epa.gov/leaddesignations>. If you have further questions, please contact me or your staff may call Sarah Hospodor-Pallone, Deputy Associate Administrator for Intergovernmental Relations, at 202-564-7178.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa P. Jackson", with a stylized flourish at the end.

Lisa P. Jackson

Enclosure

cc: Mr. Bryan W. Shaw, Ph.D.
Chairman, Texas Commission on Environmental Quality

Enclosure – Initial Nonattainment Areas, Texas

State	Area Name	County Name
Texas	Frisco	Collin (p)

(p) – partial county



STATE OF TEXAS
OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

January 22, 2011

EXTERNAL AFFAIRS DIVISION

11 JAN 25 PM 2:59

RECEIVED

Mr. Lawrence E. Starfield
Administrator
Deputy Regional Administrator
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

6RA...*Copy*.....6EN.....
6DRA...*Copy*.....6WQ.....
6MD.....6SF.....
6OEJ.....6RC.....
6PD...*Original*.....6XA...*3 copies*.....
Control

Dear Administrator Starfield:

I am pleased to inform you that Texas continues to make progress with our air quality. Since 2000, Texans have seen a 53 percent reduction in industrial sources of nitrogen oxide emissions and a 27 percent reduction in ozone, both outpacing the national average. The Houston area recently met the eight-hour National Ambient Air Quality Standard (NAAQS) for ozone for the first time, while the Dallas/Fort Worth area is within one part per billion of meeting the standard.

Pursuant to the requirements in Section 107(d)(3) of the Federal Clean Air Act, enclosed is the recommendation for designation of areas in Texas with regard to the 2010 one-hour primary nitrogen dioxide (NO₂) NAAQS of 100 parts per billion.

The Texas Commission on Environmental Quality (TCEQ) recommends that all counties in Texas with applicable NO₂ monitoring data (see Attachment A) be designated attainment and all other areas be designated as unclassifiable/attainment, based on the three most recent years of quality-assured air data from the current monitoring network for the years 2007-2009.

Enclosed is a resolution, with 2009 supporting data, containing the 2010 NO₂ NAAQS designation recommendation.

If you have any questions or need additional information, please feel free to contact TCEQ Chairman Bryan Shaw at (512) 239-5510.

Sincerely,

Rick Perry

Rick Perry
Governor

RP:tbpg

Enclosures

cc: Bryan W. Shaw, Ph.D., Chairman, TCEQ

Attachment A

Design Values by County for NO₂

County	EPA 2006-2008 Design Values (average 98th percentile) ppb	EPA 2007-2009 Design Values (average 98th percentile) ppb
El Paso	67	65
Harris	62	54
Tarrant	60	54
Dallas	58	55
Bexar	54	52
Ellis	45	44
Jefferson	42	41
Brazoria	38	37
Denton	37	35
Montgomery	36	35
Orange	36	34
Hunt	32	30
Kaufman	31	30
Gregg	30	31
Travis	26	24
Smith	23	21
Harrison	21	19

Source: EPA's Air Quality System database (<http://www.epa.gov/ttn/airs/airsaqs>)

Bryan W. Shaw, Ph.D., *Chairman*
Buddy Garcia, *Commissioner*
Carlos Rubinstein, *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 1, 2010

The Honorable Rick Perry
Governor of Texas
State Capitol
P. O. Box 12428
Austin, TX 78711-2428

Dear Governor Perry:

The United States Environmental Protection Agency (EPA) revised the National Ambient Air Quality Standard (NAAQS) for nitrogen dioxide (NO₂) to 100 parts per billion for the one-hour standard on January 22, 2010. Section 107(d)(3) of the Federal Clean Air Act (FCAA) requires the governor of each state to submit to the EPA a list of all areas with a designation recommendation of attainment, nonattainment, or unclassifiable.

The Texas Commission on Environmental Quality (TCEQ) recommends that all counties in Texas with applicable NO₂ monitoring data be designated attainment and all other areas be designated as unclassifiable/attainment, based on the three most recent years of quality-assured air data from the current monitoring network for the years 2007 through 2009.

Because the EPA is also requiring a new monitoring network as part of the revised NO₂ NAAQS, it is possible that the EPA will exercise its authority under the FCAA, §107(d)(3) to redesignate areas from unclassifiable/attainment to attainment or nonattainment after the state has collected three years of near-road monitoring data, beginning in January 2013.

Enclosed are a resolution, cover letter, and attachment containing the designation recommendation for your signature to be submitted to the EPA by the January 22, 2011, deadline.

If I can be of any assistance, please contact me at 512-239-5510.

Sincerely,

A handwritten signature in black ink that reads "Bryan W. Shaw".
Bryan W. Shaw, Ph.D.
Chairman

Enclosures

cc: Toby Baker, Office of Budget, Planning and Policy, Office of the Governor
Mark R. Vickery, P.G., Executive Director, TCEQ

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



THE STATE OF TEXAS

COUNTY OF TRAVIS

I hereby certify that this is a true and correct copy of a Texas Commission on Environmental Quality document, which is filed in the permanent records of the Commission. Given under my hand and the seal of office on

LaDonna Castanuela NOV 22 2010

LaDonna Castanuela, Chief Clerk
Texas Commission on Environmental Quality

**Resolution Concerning Nitrogen Dioxide
National Ambient Air Quality Standard Designations**

2010-1496-RES

WHEREAS, the Texas Commission on Environmental Quality (Commission) met on November 18, 2010, to discuss and consider designation recommendations for the 2010 one-hour primary nitrogen dioxide (NO₂) National Ambient Air Quality Standard (NAAQS) for submittal to the Governor for his consideration and transmittal to the United States Environmental Protection Agency (EPA); and

WHEREAS, the Commission finds that the EPA revised the NO₂ NAAQS effective April 12, 2010, establishing a new one-hour primary NO₂ NAAQS at 100 parts per billion (ppb); and

WHEREAS, the Commission acknowledges that the Federal Clean Air Act (FCAA), § 107(d), requires the EPA, after the promulgation of a new or revised NAAQS, to designate areas as attainment, nonattainment, or unclassifiable; and

WHEREAS, the Commission acknowledges that the FCAA, § 107(d), also establishes a process for each Governor to provide recommendations to the EPA regarding appropriate designations for the new one-hour primary NO₂ NAAQS for their state, including appropriate geographic boundaries; and

WHEREAS, the Commission acknowledges that the EPA has specified a deadline for the submittal of recommended designations for the new one-hour primary NO₂ NAAQS of January 22, 2011; and

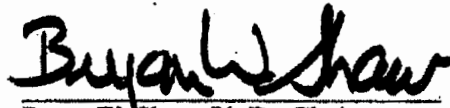
WHEREAS, the Commission acknowledges that the EPA recommends States identify areas not in compliance with the new or revised NAAQS using the most recent three years of air quality data, preferably data from calendar years 2007 through 2009, stored in the EPA Air Quality System (AQS,) from Federal Reference Method and Federal Equivalent Method monitors that are sited and operated in accordance with 40 Code of Federal Regulations (CFR) Part 58; and

WHEREAS, the Commission finds that based on AQS monitoring data from 2007 through 2009, all monitors in Texas with data eligible for comparison to the new one-hour primary NO₂ NAAQS meet the revised NAAQS (Attachment A); and

RESOLVED, that the Commission hereby requests the Governor of Texas to submit a designation recommendation of attainment for all areas of the state with EPA's Air Quality System monitors demonstrating that the 2010 one-hour primary NO₂ NAAQS and that the rest of the State be designated as unclassifiable/attainment for the 2010 one-hour primary NO₂ NAAQS to the EPA for consideration, along with data analysis supporting this recommendation, by the EPA's requested deadline of January 22, 2011.

Issued date: NOV 22 2010

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY


Bryan W. Shaw, Ph.D., Chairman



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

FEB 16 2011

The Honorable Rick Perry
Governor of Texas
State Capitol
Austin, TX 78711-2428

Dear Governor Perry:

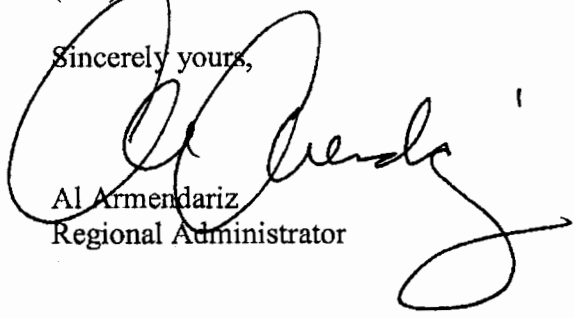
Thank you for your letter of January 22, 2011, to the U.S. Environmental Protection Agency (EPA) with your initial designation recommendation of the new short-term Nitrogen Dioxide (NO₂) National Ambient Air Quality Standard (NAAQS) for the State of Texas.

You recommend that the Counties of El Paso, Harris, Tarrant, Dallas, Bexar, Ellis, Jefferson, Brazoria, Denton, Montgomery, Orange, Hunt, Kaufman, Gregg, Travis, Smith and Harrison be designated as "attainment" and the remainder of the state be designated as "unclassifiable/attainment" based on the 2007-2009 air quality data.

I appreciate your input regarding designations and your attention to this Clean Air Act (CAA) requirement. We will evaluate the recommendation in accordance with the CAA requirements and our guidance documents and inform you and the Texas Commission on Environmental Quality (TCEQ) of our decision. EPA looks forward to working with TCEQ regarding the details of implementing the new short-term NO₂ NAAQS.

If you have any further questions, please contact me at (214) 665-2100, or your staff may contact Mr. Guy Donaldson of my staff at (214) 665-7242.

Sincerely yours,


Al Armendariz
Regional Administrator

cc: Bryan W. Shaw, Ph.D.
Chairman, Texas Commission on Environmental Quality



RL6-11-000-9077
RECEIVED

11 JUN -6 PM 2:40

EXTERNAL AFFAIRS DIVISION
OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

June 2, 2011

6RA.....6EN.....
6DRA.....6WQ.....
6MD.....6SF.....
6OEJ.....6RC.....
6PD.....6XA.....

Control

Alfredo Armendariz, Ph.D.
Regional Administrator
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Dear Dr. Armendariz:

Pursuant to the requirements in Section 107(d)(3) of the Federal Clean Air Act, enclosed is the State of Texas' recommendation for area designations under the 2010 one-hour sulfur dioxide (SO₂) primary National Ambient Air Quality Standard (NAAQS) of 75 parts per billion (ppb).

The Texas Commission on Environmental Quality (TCEQ) recommends nonattainment designation for Texas counties with SO₂ regulatory design values exceeding 75.4 ppb; attainment designations for counties with SO₂ regulatory design values of 75.4 ppb or less; and identification as unclassifiable for all other counties in Texas at this time. Staff recommends a nonattainment designation for Jefferson County; attainment designations for Dallas, Ellis, El Paso, Galveston, Gregg, Harris, Kaufman, McLennan and Nueces counties; and identification as unclassifiable for all other Texas counties.

Enclosed is a resolution containing the State of Texas' recommendation for area designations under the 2010 SO₂ one-hour primary NAAQS, along with supporting documentation.

If you have any questions or need additional information, please feel free to contact TCEQ Chairman Dr. Bryan Shaw at (512) 239-5510.

Sincerely,

Rick Perry

Rick Perry
Governor

RP:tbp

Enclosures

cc: Bryan W. Shaw, Ph.D.

ENCLOSURE

One-Hour Design Values (DV) in Texas Counties with Regulatory Sulfur Dioxide (SO₂) Monitors

County	2009 Design Values*	2010 Preliminary Design Values**
Jefferson	80	77
Gregg	75	66
Ellis	57	31
Harris	56	47
Galveston	41	42
Nueces	28	33
Kaufman	14	14
El Paso	11	11
Dallas	9	8
McLennan	6	6

* 2009 DV calculated using 2007 through 2009 verified monitoring data

** 2010 DV calculated using 2008 and 2009 verified data and 2010 data not yet verified

Note: Bolded text depicts DVs exceeding the 2010 SO₂ primary NAAQS of 75 ppb.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**Resolution Concerning Sulfur Dioxide
National Ambient Air Quality Standard Designations**

2011-0204-RES

WHEREAS, the Texas Commission on Environmental Quality (Commission) met on April 20, 2011, to discuss and consider designation recommendations for the 2010 one-hour primary sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS) for submittal to the Governor for his consideration and transmittal to the United States Environmental Protection Agency (EPA); and

WHEREAS, the Commission finds that the EPA revised the SO₂ NAAQS effective August 23, 2010, establishing a new one-hour primary SO₂ NAAQS at 75 parts per billion (ppb); and

WHEREAS, the Commission acknowledges that the Federal Clean Air Act (FCAA), § 107(d), requires the EPA, after the promulgation of a new or revised NAAQS, to designate areas as attainment, nonattainment, or unclassifiable; and

WHEREAS, the Commission acknowledges that the FCAA, § 107(d), also establishes a process for each Governor to provide recommendations to the EPA regarding appropriate designations for the 2010 one-hour primary SO₂ NAAQS for their state, including appropriate geographic boundaries; and

WHEREAS, the Commission acknowledges that the EPA has specified a deadline for the submittal of recommended designations for the 2010 one-hour primary SO₂ NAAQS of June 2, 2011; and

WHEREAS, the Commission acknowledges that the EPA recommends states identify areas not in compliance with the new or revised NAAQS using the most recent three years of air quality data, preferably data from calendar years 2008 through 2010, stored in the EPA Air Quality System (AQS), from Federal Reference Method and Federal Equivalent Method monitors that are sited and operated in accordance with 40 Code of Federal Regulations (CFR) Part 58;

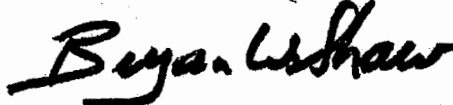
NOW THEREFORE, BE IT RESOLVED THAT:

The Commission hereby requests the Governor of Texas to submit a recommendation for the 2010 one-hour primary SO₂ NAAQS to the EPA for consideration, consisting of nonattainment designations for Texas counties with SO₂ regulatory design values exceeding 75.4 ppb; attainment designations for counties with SO₂ regulatory design values of 75.4 ppb or less; and identification as unclassifiable for all other counties in Texas, along with data analysis supporting this recommendation, by June 2, 2011; and

The Commission directs commission staff to provide supplemental information to the EPA to support designations, as necessary.

Issued date: **APR 29 2011**

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

A handwritten signature in black ink, reading "Bryan W. Shaw". The signature is written in a cursive, flowing style with a prominent initial "B".

Bryan W. Shaw, Ph.D., Chairman



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS TX 75202-2733

JUL 20 2011

The Honorable Rick Perry
Governor of Texas
Post Office Box 12428
Austin, Texas 78711

Dear Governor Perry:

Thank you for your letter of June 2, 2011, to the U.S. Environmental Protection Agency (EPA) conveying your recommendation on area designations for the State of Texas under the 2010 1-hour sulfur dioxide (SO₂) National Ambient Air Quality Standard (NAAQS).

The letter recommended a nonattainment designation for Jefferson County based on a 2010 SO₂ regulatory design value exceeding 75.4 ppb; attainment designations for Dallas, Ellis, El Paso, Galveston, Gregg, Harris, Kauffman, McLennan and Nueces counties, based on 2010 SO₂ regulatory design values of 75.4 ppb or less; and unclassifiable designations for all other Texas counties.

We will evaluate the recommendation in accordance with the Clean Air Act (CAA) requirements and our guidance documents and will inform you of our intended designations no later than 120 days prior to promulgation of our final designations. Following the announcement of the EPA's intended designations, states and tribes will have an opportunity to comment on any modifications we propose to their recommendations and submit additional information for the EPA to consider.

We appreciate your work to protect the environment and look forward to continuing to work with you. If you have any questions concerning area designations for the 2010 1-hour SO₂ standard, please contact me at (214) 665-2100, or your staff may contact Mr. Guy Donaldson of my staff at (214) 665-7242

Sincerely yours,

A handwritten signature in black ink, appearing to read "Al Armendariz", is written over the typed name and title.

Al Armendariz
Regional Administrator

cc: Bryan W. Shaw, Ph.D., Chairman
Texas Commission on Environmental Quality

Mark Vickery, P.G., Executive Director
Texas Commission on Environmental Quality

SF

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R6-11-001-0546

11 JUN 30 PM 1:52

EXTERNAL AFFAIRS DIVISION OF THE GOVERNOR

RICK PERRY
GOVERNOR

June 24, 2011

6RA..... <i>email</i>	6EN.....
6DRA..... <i>email</i>	6WQ.....
6MD.....	6SF..... <i>Signal & Control</i>
6OEJ.....	6RC.....
6PD.....	6XA..... <i>email</i>

Alfredo "Al" Armendariz, Ph.D.
 Regional Administrator
 U.S. Environmental Protection Agency, Region 6
 1445 Ross Avenue, Suite 1200
 Dallas, Texas 75202-2733

RE: Proposed Listing of the US Oil Recovery Site on the federal National Priorities List

Dear Dr. Armendariz:

Texas supports the decision that the US Oil Recovery site be considered as a candidate site for the federal National Priorities List (NPL) for cleanup.

The Texas Commission on Environmental Quality believes that this site is eligible for the proposed NPL listing based on agency evaluation of the site under the federal Hazard Ranking System.

Sincerely,

Rick Perry

Rick Perry
Governor

RP:tbp

cc: Bryan W. Shaw, Ph.D., Chairman, TCEQ
 Mark R. Vickery, P.G., Executive Director, TCEQ
 Mr. John Sadlier, Deputy Director, Office of Compliance and Enforcement, TCEQ
 Mr. Brent Wade, Director, Remediation Division, TCEQ
 Mr. Sam Coleman, Superfund Division Director, EPA
 Ms. Wren Stenger, Superfund Associate Director, EPA
 Mr. John Meyer, Chief Risk and Site Assessment, EPA
 Ms. Brenda Nixon Cook, Region 6, NPL Coordinator, EPA



R6-12-000-4552

OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

February 29, 2012

Al Armendariz, Ph.D.
Regional Administrator
U.S. Environmental Protection Agency (EPA), Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2133

Dear Dr. Armendariz:

I'm writing in response to your December 9, 2011, proposal to modify the state's recommendation for designation of areas in Texas with regard to the 2008 National Ambient Air Quality Standard (NAAQS) for eight-hour ozone of 0.075 parts per million. I respectfully request that you not enact the planned designation of Hood, Matagorda, and Wise counties as ozone nonattainment areas.

The enclosed analysis performed by the Texas Commission on Environmental Quality (TCEQ), submitted pursuant to Section 107(d)(1)(B) of the Federal Clean Air Act, demonstrates there is insufficient scientific justification for EPA's proposed modification of the state's recommendation for these three counties. These counties do not measure nonattainment at a federal regulatory monitor, nor do they significantly contribute to elevated ozone measurements at any violating monitors in the adjacent counties. In fact, EPA has always designated Hood, Matagorda, and Wise counties as attainment/unclassifiable for ozone.

TCEQ's analysis indicates that significant reductions in nitrogen oxide (NOx) emissions have occurred in Hood, Matagorda, and Wise counties in the past eight years. Current permitting and rule requirements, combined with technological advancements in industrial equipment, are anticipated to continue this downward trend in NOx emissions without the need for the imposition of further rules and programs on citizens and businesses in the three counties. A nonattainment designation for these three counties will undoubtedly stifle economic growth while providing little, if any, environmental benefit.

We have worked hard in Texas to strike a balance between meaningful environmental regulation and economic growth, and designating these counties as nonattainment is not a decision that should be taken lightly, especially during these tough economic times. I thank you for your

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EXTERNAL AFFAIRS DIVISION

6RA. *encl* 6EN
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6PD. *original* 6XA. *encl*

Control

Al Armendariz, Ph.D.
February 29, 2012
Page 2

consideration of this issue. If you have any questions or need additional information, please feel free to contact TCEQ Chairman Bryan Shaw at (512) 239-5510.

Sincerely,

A handwritten signature in black ink that reads "Rick Perry". The signature is written in a cursive, slightly stylized font. The "R" is large and loops around the "i", and the "Perry" is written in a similar cursive style.

Rick Perry
Governor

RP:jhp

Enclosures

cc: Bryan W. Shaw, Ph.D.



RL-12-000-7642

OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

April 20, 2012

Al Armendariz, Ph.D.
Regional Administrator
U.S. Environmental Protection Agency (EPA), Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Dear Dr. Armendariz:

Pursuant to the requirements in Section 107(d)(1)(A) of the Federal Clean Air Act, enclosed is a revised recommendation for designation of areas in Texas with regard to the 2010 National Ambient Air Quality Standard for one-hour sulfur dioxide (SO₂) of 75 parts per billion (ppb). The most recent monitoring data show that Jefferson County is now in attainment of the standard. I am requesting to revise my recommendation to reflect this change.

The Texas Commission on Environmental Quality (TCEQ) developed the enclosed revision to the June 2011 Texas recommendation, considering the latest available, certified regulatory monitoring data for Jefferson County from the 2009 – 2011 period. This revised recommendation reflects the improved air quality in Jefferson County, which has a 2009 – 2011 design value of 68 ppb. In accordance with the EPA Office of Air Quality Planning and Standards' Director Stephen Page's March 24, 2011, SO₂ area designations memorandum, the commission understands that EPA intends to accept the most recently certified three years (2009 – 2011) of monitoring data as the basis for modifying previously submitted state designations.

If you have any questions or need additional information, please feel free to contact TCEQ Chairman Dr. Bryan Shaw at (512) 239-5510.

Sincerely,

Rick Perry

Rick Perry
Governor

RP:trp

Enclosure

cc: Bryan W. Shaw, Ph.D.

1. The following information is being furnished to you for your information only. It is not to be used for any other purpose.

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6DRA e-copy 6WQ.....
6MD.....6SF.....
6OEJ.....6RC.....
6PD Original 6XA e-copy...

Control

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EXTERNAL AFFAIRS DIVISION

[Handwritten signature]

State of Texas
2010 One-Hour Sulfur Dioxide (SO₂) Standard
Revised Designation Recommendation

Based on the 2011 design values, each county listed below should be designated attainment. All the rest of the counties in Texas should be designated unclassifiable.

County	2010 Design Value*	2011 Design Value**
Jefferson	77	68
Gregg	66	NA
Ellis	57	NA
Harris	56	NA
Galveston	41	NA
Nueces	28	NA
Kaufman	14	NA
El Paso	11	NA
Dallas	9	NA
McLennan	6	NA

* 2010 design values are calculated using 2008 through 2010 certified monitoring data.

** 2011 design values are calculated using 2009 through 2011 certified monitoring data. Only Jefferson County data have been certified by the TCEQ for 2011 on an expedited basis.

NA = not available



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202 - 2733**

JUN 19 2012

The Honorable Rick Perry
Governor of Texas
Post Office Box 12428
Austin, Texas 78711

Dear Governor Perry:

Thank you for your letter of April 20, 2012, to the U.S. Environmental Protection Agency revising your June 2011 recommendation on area designations for the state of Texas under the 2010 1-hour sulfur dioxide (SO₂) National Ambient Air Quality Standard.

In a letter dated June 2, 2011, you recommended a nonattainment designation for Jefferson County based on a 2010 SO₂ regulatory design value of 77 parts per billion. The April 20, 2012, letter revised the recommendation for Jefferson County to one of attainment based on 2009-2011 regulatory air monitoring data for Jefferson County, which shows a 2011 SO₂ design value of 68 ppb. The EPA has reviewed the 1-hour SO₂ data and we approve it for use in designations. Additionally, the 2009 - 2011 hourly SO₂ design value of 68 ppb is below the 75 ppb hourly SO₂ primary standard. The EPA commends Texas on this improvement in air quality in Jefferson County. Consistent with your June 2011 recommendation, your letter also recommended an attainment designation for Gregg, Ellis, Harris, Galveston, Nueces, Kaufman, El Paso, Dallas and McLennan counties, and an unclassifiable designation for all other counties.

We will evaluate the recommendation in accordance with the Clean Air Act requirements and our guidance documents and will inform you of our intended designations no later than 120 days prior to promulgation of our final designations. Following the announcement of the EPA's intended designations, states and tribes will have an opportunity to comment on any modifications we propose to their recommendations and submit additional information for the EPA to consider.

We appreciate your work to protect the environment and look forward to continuing to work with you. If you have any questions concerning area designations for the 2010 1-hour SO₂ standard, please contact me at (214) 665-2100, or your staff may contact Mr. Guy Donaldson, Air Planning Section Chief, at (214) 665-7242.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Edlund", with a long horizontal flourish extending to the right.

Carl E. Edlund, P.E.

Director

Multimedia, Planning and
Permitting Division

cc: Bryan W. Shaw, Ph.D., Chairman
Texas Commission on Environmental Quality

Mr. Zak Covar, Executive Director
Texas Commission on Environmental Quality



R6-12-001-0607

OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

June 18, 2012

Mr. Sam Coleman
Acting Regional Administrator
U.S. Environmental Protection Agency (EPA), Region VI
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Dear Mr. Coleman:

I am pleased to submit the 2012 Texas Nonpoint Source Management Program (Management Program) for your approval. The Texas Commission on Environmental Quality (TCEQ) and the Texas State Soil and Water Conservation Board (TSSWCB) jointly prepared and approved the Management Program that outlines Texas' comprehensive strategy to protect and restore waters impacted by nonpoint source pollution (NPS).

According to Section 319(b) of the Clean Water Act, Texas must update this report to address the management strategies that will be undertaken to reduce and prevent nonpoint source pollution. Texas last submitted the Management Program to EPA in December 2005. EPA extended the applicability of the current document through July 2012. Significant events have occurred in the program since the approval of the last document, including growth in the state's NPS educational programs, increased interest in the development of stakeholder-led watershed-based plans, the promulgation of Total Maximum Daily Loads, and the Watershed Action Planning process to develop and track strategies for addressing water quality impairments. The state has updated the Management Program to include these new initiatives and to specify program goals for the upcoming planning period.

The Management Program is a comprehensive document that has been through an extensive public review process. TSSWCB members gave approval of the Management Program on May 24, 2012. TCEQ commissioners gave approval of the Management Program on May 30, 2012. The document has been certified by TCEQ's chief legal counsel and the Office of the Attorney General on behalf of TSSWCB that the laws of the state are adequate to enact the measures laid out in the plan.

Mr. Sam Coleman

June 18, 2012

Page 2

TCEQ and TSSWCB will jointly lead the State of Texas in implementing the Management Program. In partnership with EPA and other federal, state, regional, and local watershed stakeholders, our goal is to assure clean water for future generations of Texans.

Sincerely,

Rick Perry

Rick Perry
Governor

RP:jhp

Enclosure

cc: Mr. Zak Covar, Executive Director, TCEQ
Mr. Charles (Rex) Isom, Executive Director, TSSWCB
Ms. Kelly Holligan, Director, Water Quality Planning Division, TCEQ



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202 - 2733

20 June 2012

The Honorable Rick Perry
Governor of Texas
Post Office Box 12428
Austin, Texas 78711

Dear Governor Perry:

Thank you for your letter of June 18, 2012, to the U.S. Environmental Protection Agency regarding the 2012 update of the Nonpoint Source Management Program for Texas. We appreciate the efforts of the Texas Commission on Environmental Quality and the Texas State Soil and Water Conservation Board in preparing this update.

Pursuant to the Clean Water Act Section 319(d), the EPA will conduct a review of the updated Management Program for consistency with requirements under the CWA Section 319(b) and notify the state of its findings.

I believe both state and federal agencies have an important responsibility to carry out our respective assignments. People need for government to work both efficiently and effectively. We share a common purpose and goal in fostering economic growth, and protecting our people and natural resources. Our federal and state employees are working together and getting the job done. I am pleased to report that Zak Covar and I have been working closely to make progress on many fronts and are committed to continuing to build on that success.

It is important for us to engage the citizens and the business community in our decisions. I recently traveled to Austin to meet with State Representative Keffer and members of the Texas Oil and Gas Association as well as joint meeting with TCEQ and Uranium Energy Corporation. I also had a positive meeting the Texas Pipeline Association regarding the efficient processing of greenhouse gas permits and spoke to the Texas Industry Project quarterly meeting in Houston. Clearly, these continued dialogues will help companies understand our actions and make the best business decisions.

I look forward to continuing to work with our State of Texas partners. If you have any further questions, please contact me at (214) 665-2100, or your staff may contact Ms. Carmen Assunto, State and Local Government Liaison, at (214) 665-2200.

Sincerely,

A handwritten signature in black ink that reads "Samuel Coleman".

Samuel Coleman, P.E.

Acting Regional Administrator

Digitally signed by Regional
Administrator
DN: cn=Regional Administrator,
o=Immediate Office, ou=6RA,
email=coleman.sam@epa.gov, c=US
Date: 2012.07.20 12:10:46 -05'00'

cc: Mr. Zak Cover, Executive Director
Texas Commission on Environmental Quality

Mr. Charles Isom, Executive Director
Texas State Soil and Water Conservation Board



RL-13-000-4384

OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

April 5, 2013

Mr. Ron Curry
Regional Administrator
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2133

Dear Mr. Curry:

I'm writing in response to your February 7, 2013, notification that the U.S. Environmental Protection Agency (EPA) is "currently deferring action to designate areas in Texas" for the 2010 sulfur dioxide (SO₂) standard. The February 7, 2013, letter also indicates that EPA will "proceed with designation action in Texas once additional data are gathered" despite agreement with Texas that "the most recent monitored air quality data from 2009 through 2011 shows no violation of the 2010 SO₂ standard in any areas of Texas." While you do not specifically request a response to this notification of the designation deferral, I would like to take this opportunity to reinforce my designation recommendation from last year that:

- ten Texas counties (Jefferson, Gregg, Ellis, Harris, Galveston, Nueces, Kaufman, El Paso, Dallas and McLennan) should be designated attainment for the 2010 SO₂ National Ambient Air Quality Standards; and
- all the remaining counties in Texas should be designated unclassifiable.

The Texas Commission on Environmental Quality (TCEQ) submitted related comments in response to EPA's February 15, 2013, *Federal Register* notice (78 FR 11124). TCEQ's comments on this related matter are enclosed for your information.

If you have any questions or need additional information, please feel free to contact TCEQ Chairman Bryan Shaw at (512) 239-5510.

Sincerely,

A handwritten signature in black ink that reads "Rick Perry".

Rick Perry
Governor

Enclosure

cc: Bryan W. Shaw, Ph.D., Chairman, TCEQ

Bryan W. Shaw, Ph.D., *Chairman*
Carlos Rubinstein, *Commissioner*
Toby Baker, *Commissioner*
Zak Covar, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 18, 2013

Jennifer Noonan Edmonds, Acting Director
Office of Air Quality Planning and Standards
Environmental Protection Agency
Mail Code: 6102T
1200 Pennsylvania Avenue NW
Washington, DC 20460

Attn: Docket ID No. EPA-HQ-OAR-2012-0233

Re: EPA Responses to State and Tribal 2010 Sulfur Dioxide Designation Recommendations

Dear Ms. Edmonds:

The Texas Commission on Environmental Quality (TCEQ) appreciates the opportunity to respond to the United States Environmental Protection Agency's (EPA) announcement of a public comment period for the proposed responses to state and tribal 2010 sulfur dioxide (SO₂) designation recommendations. As noted in the April 20, 2012 correspondence from Texas Governor Rick Perry to the then EPA Region 6 Administrator Al Armendariz (enclosed), ten Texas counties (Jefferson, Gregg, Ellis, Harris, Galveston, Nueces, Kaufman, El Paso, Dallas, and McLennan) should be designated attainment for the 2010 SO₂ National Ambient Air Quality Standard (NAAQS). All the remaining counties in Texas should be designated unclassifiable.

The TCEQ appreciates the EPA's willingness to work with states regarding implementation of the 2010 SO₂ NAAQS. The TCEQ also appreciates the subsequent modification to EPA expectations regarding the use of modeling alone to determine attainment of the 2010 SO₂ NAAQS. The flexibility that EPA is exhibiting on the implementation schedule for this standard is also appreciated. However, the TCEQ continues to support the attainment designation recommendation supplied by Governor Perry last year.

As further evidence that the ten counties noted above should be identified as attainment, the TCEQ offers the following design values table. While the 2012 SO₂ monitoring data are pre-certified, they demonstrate that design values continue to trend downward.



OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

April 20, 2012

Al Armendariz, Ph.D.
Regional Administrator
U.S. Environmental Protection Agency (EPA), Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Dear Dr. Armendariz:

Pursuant to the requirements in Section 107(d)(1)(A) of the Federal Clean Air Act, enclosed is a revised recommendation for designation of areas in Texas with regard to the 2010 National Ambient Air Quality Standard for one-hour sulfur dioxide (SO₂) of 75 parts per billion (ppb). The most recent monitoring data show that Jefferson County is now in attainment of the standard. I am requesting to revise my recommendation to reflect this change.

The Texas Commission on Environmental Quality (TCEQ) developed the enclosed revision to the June 2011 Texas recommendation, considering the latest available, certified regulatory monitoring data for Jefferson County from the 2009 – 2011 period. This revised recommendation reflects the improved air quality in Jefferson County, which has a 2009 – 2011 design value of 68 ppb. In accordance with the EPA Office of Air Quality Planning and Standards' Director Stephen Page's March 24, 2011, SO₂ area designations memorandum, the commission understands that EPA intends to accept the most recently certified three years (2009 – 2011) of monitoring data as the basis for modifying previously submitted state designations.

If you have any questions or need additional information, please feel free to contact TCEQ Chairman Dr. Bryan Shaw at (512) 239-5510.

Sincerely,

RICK PERRY

Rick Perry
Governor

RP:trp

Enclosure

cc: Bryan W. Shaw, Ph.D.

Jennifer Noonan Edmonds

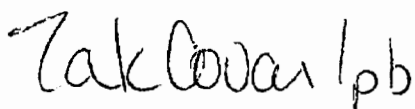
Page 2

March 18, 2013

2011 and 2012 SO ₂ Design Values In Texas Counties with Regulatory Monitors In Parts Per Billion(ppb)		
County	2011 SO ₂ Design Value (ppb)	2012 SO ₂ Design Value (ppb)
Dallas	7*	7
El Paso	11	10
Ellis	15	14
Galveston	41	26
Gregg	61	56
Harris	42	38
Jefferson	68	51
Kaufman	14	13
McLennan	6	6
Nueces	27	25
2012 Design Values are as of 2/26/2013 and subject to change. All data was obtained from EPA's AQS database. *The 2011 design value for Dallas County is based on less than three years of data. Preliminary 2012 design values based on three years of data continue to indicate attainment in this county.		

If there are any questions concerning the TCEQ's comments, please contact Mr. Steve Hagle, P.E., Deputy Director, Office of Air, at 512-239-1295 or steve.hagle@tceq.texas.gov. We look forward to working with the EPA throughout this process.

Sincerely,

Handwritten signature of Zak Covar in black ink.

Zak Covar
Executive Director
Texas Commission on Environmental Quality

State of Texas
2010 One-Hour Sulfur Dioxide (SO₂) Standard
Revised Designation Recommendation

Based on the 2011 design values, each county listed below should be designated attainment. All the rest of the counties in Texas should be designated unclassifiable.

County	2010 Design Value*	2011 Design Value**
Jefferson	77	68
Gregg	66	NA
Ellis	57	NA
Harris	56	NA
Galveston	41	NA
Nueces	28	NA
Kaufman	14	NA
El Paso	11	NA
Dallas	9	NA
McLennan	6	NA

* 2010 design values are calculated using 2008 through 2010 certified monitoring data.

** 2011 design values are calculated using 2009 through 2011 certified monitoring data. Only Jefferson County data have been certified by the TCEQ for 2011 on an expedited basis.

NA = not available



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202 - 2733

May 16, 2013

Office of the Regional Administrator

The Honorable Rick Perry
Governor of Texas
Post Office Box 12428
Austin, Texas 78711

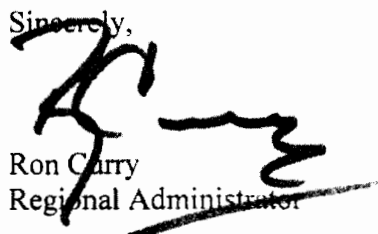
Dear Governor Perry:

Thank you for your letter of April 5, 2013, to the U.S. Environmental Protection Agency regarding our February 2013 notification that we are currently deferring action to designate areas in Texas for the 2010 1-hour sulfur dioxide National Ambient Air Quality Standard.

In the letter, you reinforce your April 20, 2012 recommendation for an attainment designation for ten counties and an unclassifiable designation for all remaining counties in Texas. At this time, we are reviewing the comments we received related to our proposed SO₂ designations. Before promulgating final designations in June 2013, we will consider and provide a response to your letter and to all other comments received during the state and public comment periods, including the comments submitted by the Texas Commission on Environmental Quality.

We appreciate your work to protect the environment and look forward to continuing to work with you. If you have any questions concerning SO₂ designations, please contact me at (214) 665-2100, or your staff may contact Mr. Guy Donaldson, Air Planning Section Chief, at (214) 665-7242.

Sincerely,


Ron Curry
Regional Administrator

cc: Bryan W. Shaw, Ph.D.
Chairman, Texas Commission on Environmental Quality



RL-14-000-2344

OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

November 26, 2013

Mr. Ron Curry
Regional Administrator
U.S. Environmental Protection Agency, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Dear Administrator Curry:

Pursuant to the requirements in Section 107(d) of the Federal Clean Air Act, enclosed is the recommendation for designation of areas in Texas with regard to the 2012 primary annual fine particulate matter (PM_{2.5}) National Ambient Air Quality Standard (NAAQS) of 12.0 micrograms per cubic meter (µg/m³).

The Texas Commission on Environmental Quality (TCEQ) recommends that all counties in Texas with applicable PM_{2.5} monitoring data be designated as attainment and all other counties be designated as unclassifiable/attainment. This recommendation is based on the three most recent years of quality-assured air data from the current federal reference monitoring network for the years 2010 through 2012, the demonstration of exceptional event days for exclusion and historical PM_{2.5} monitoring trends (see enclosures A, B and C).

Enclosed is a resolution with supporting data containing the 2012 primary annual PM_{2.5} NAAQS designation recommendation for the State of Texas.

If you have any questions or need additional information, please feel free to contact TCEQ Chairman Dr. Bryan Shaw at (512) 239-5510.

Sincerely,

RICK PERRY

Rick Perry
Governor

RP:nhp

Enclosures

cc: Bryan Shaw, Ph.D., Chairman, TCEQ

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EXTERNAL AFFAIRS DIVISION

ATTACHMENT A

2010 THROUGH 2012 PRIMARY ANNUAL PM_{2.5} DESIGN VALUES FOR THE STATE OF TEXAS

The Texas Commission on Environmental Quality (TCEQ) has calculated the primary annual fine particulate matter (PM_{2.5}) design values for Texas counties, as presented in the table below, in support of the State's designation recommendation for the 2012 primary annual PM_{2.5} National Ambient Air Quality Standard (NAAQS). The design values were calculated with certified 2010 through 2012 data, excluding data from the Clinton Drive monitor in Harris County that were influenced by exceptional events. The TCEQ has submitted exceptional events demonstrations to the United States Environmental Protection Agency (EPA) for 2010, 2011, and 2012 for the Houston Clinton Drive monitor in accordance with the deadlines established in the 2012 PM_{2.5} NAAQS final rule. See *Attachment B: Exceptional Event Demonstrations for the Houston Clinton Drive Monitoring Site* for further information regarding the TCEQ's exceptional event demonstration submittals.

Design Values by County for Primary Annual PM_{2.5}

County	2010-2012 Design Value ($\mu\text{g}/\text{m}^3$)
Travis	10.2
Nueces	10.4
Dallas	10.8
Ellis	10.0
Tarrant	10.7
El Paso	10.8
Harris	12.0
Hidalgo	10.3
Bexar	9.0
Bowie	11.1
Harrison	10.9

Source: The EPA Air Quality System database (<http://www.epa.gov/ttn/airs/airsaqs>)

Method (FRM) monitors were evaluated for a period of over 10 years to adequately establish historical trends in the data. In addition, the TCEQ evaluated PM_{2.5} speciation data from these monitors to identify African dust and Mexican/Central American smoke contributions. Satellite imagery from the National Aeronautic and Space Administration and National Oceanic and Atmospheric Administration was used to track the movement of African dust and Mexican/Central American smoke and corroborated with aerosol modeling. Finally, the TCEQ analyzed Houston area PM_{2.5} data to estimate contribution from long-range transport (incoming background levels) and contribution from local sources during the events as well as for the non-event baseline incoming background levels for use in the "but for" analyses. The "but for" analyses are used to demonstrate that there would have been no exceedance or violation of the NAAQS but for the exceptional event.

SUMMARY OF FINDINGS

The information provided in the TCEQ's exceptional event demonstration packages supports the conclusion that the high PM_{2.5} measurements at the Clinton Drive monitor in Houston, on the seven dates flagged during 2010, 2011, and 2012 qualify as exceptional events. The measured PM_{2.5} concentrations on the six flagged dates in 2010 and 2012 were not reasonably preventable, were clearly due to African dust events, were in excess of normal historical fluctuations, and would not have occurred but for the African dust events. The measured PM_{2.5} concentrations on the flagged date of May 20, 2011 were not reasonably controllable or preventable, were clearly due to a Mexican/Central American smoke event, were in excess of normal historical fluctuations, and would not have occurred but for the smoke event. The TCEQ requests the EPA's concurrence on these exceptional events and to have these days removed from consideration when making initial designations for the 2012 primary annual PM_{2.5} NAAQS.

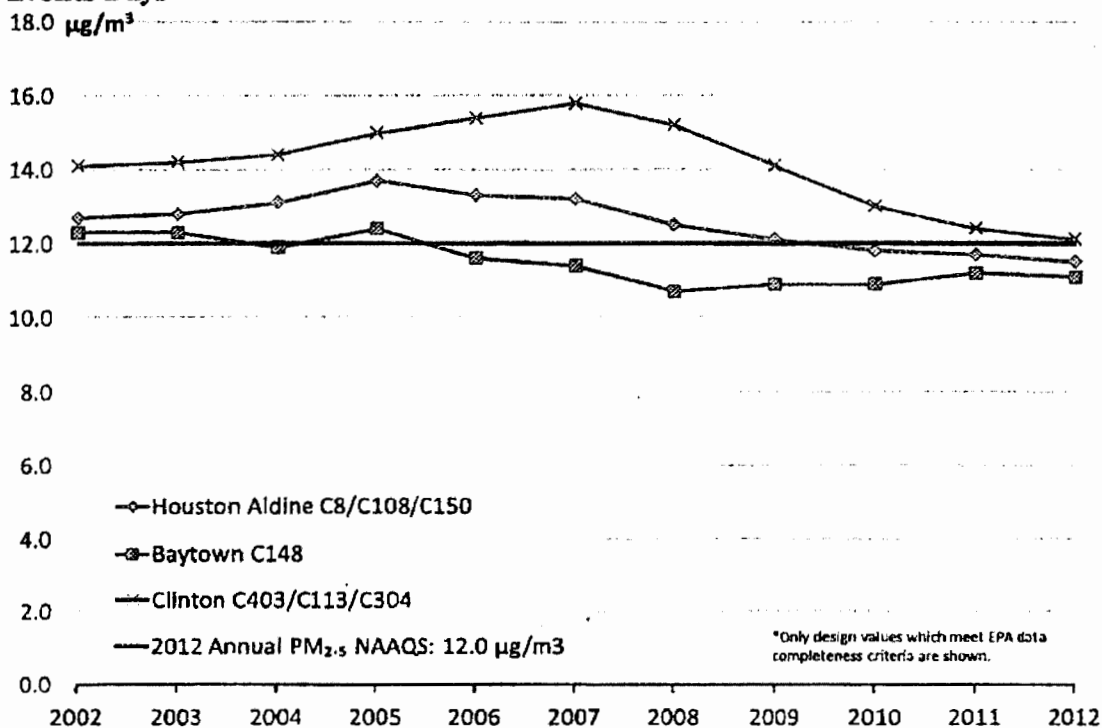
ATTACHMENT C

HOUSTON PM_{2.5} TRENDS AND SOURCES

PM_{2.5} AIR QUALITY TRENDS

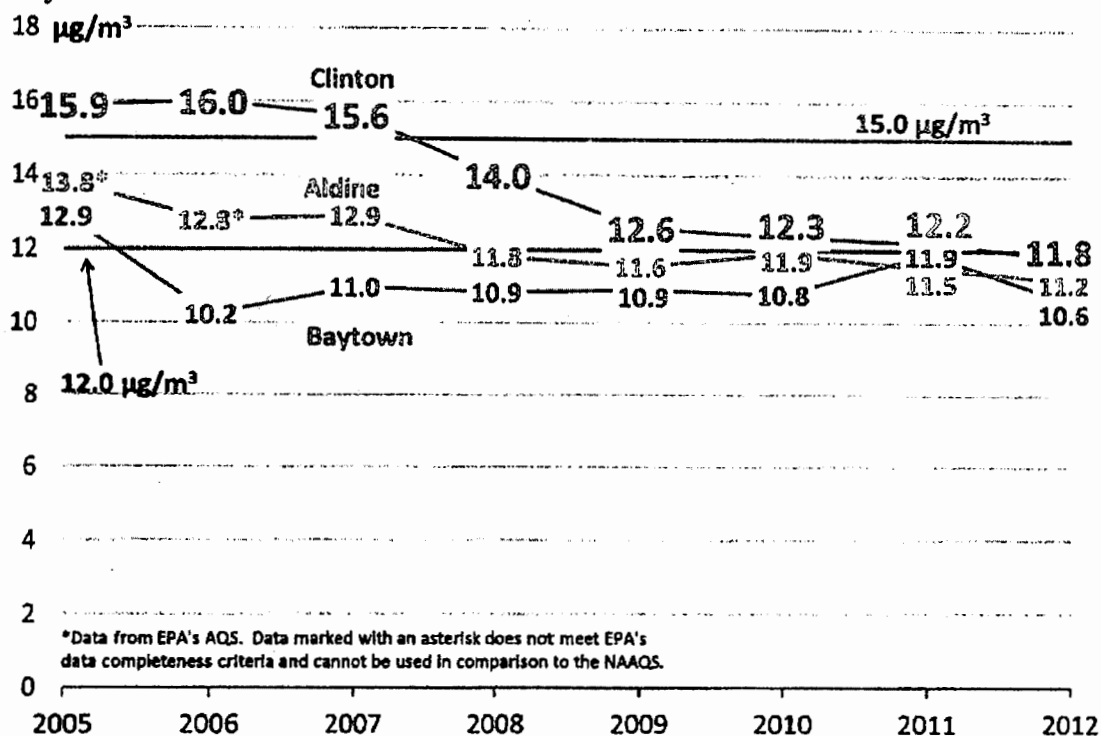
Fine particulate matter (PM_{2.5}) levels in the Houston area have shown a gradual overall decline since monitoring began in 1999. The Houston Clinton Drive monitor (EPA Site Number 482011035) measured a pronounced increase in PM_{2.5} concentrations from 2002 through 2007, as shown in Figure C-1: *Annual PM_{2.5} Design Values in Harris County Including Exceptional Event Days*, caused by localized sources in the immediate vicinity of the site. This increase has since been followed by a sharp decline resulting from extensive voluntary source reduction efforts (Sullivan et al., 2013).

Figure C-1: Annual PM_{2.5} Design Values in Harris County Including Exceptional Events Days



Further, the trends in the annual PM_{2.5} average, shown in Figure C-2: *Annual Average PM_{2.5} in Harris County Including Exceptional Event Days*, are all below the 2012 annual primary PM_{2.5} National Ambient Air Quality Standard (NAAQS) of 12.0 micrograms per cubic meter (µg/m³) in 2012. The Clinton site would meet the NAAQS in 2013 with an annual PM_{2.5} average of 12.1 µg/m³ or less. The 2012 annual PM_{2.5} average was 11.8 µg/m³ and, based on current trends, the 2013 annual average is not expected to exceed 12.1 µg/m³.

Figure C-2: Annual Average PM_{2.5} in Harris County Including Exceptional Event Days



PM_{2.5} TRANSPORT

Historically, PM_{2.5} in the Houston area is greatly impacted by long-range transport from natural events outside of the area including wildfires; African dust; dust from large, intense regional dust storms in the West Texas-New Mexico-Northern Mexico area; and smoke from agricultural burning in Mexico and Central America. Long-range transport from other types of events also impact the Houston area, including smoke from controlled burns and haze and smoke accumulated from man-made emissions in the United States and Canada (also known as continental haze).

African dust impacts the Houston area every year, mainly in the summer, with typically three to six intense episodes that are characterized by high incoming background levels and lasting one to three days or more. Smoke from agricultural burning in Mexico affects the Houston area mainly from April to early June annually when the winds bring in air from eastern Mexico and Central America. Continental haze events are most common from May through October and often include high ozone background levels as well. These external sources of PM_{2.5} air pollution cannot be controlled locally and prior work indicates that these sources, along with the global background, account for at least about 75 to 90% of the annual PM_{2.5} average at sites in the Houston area (Lambeth, 2010) as shown in Figure C-3: *Texas 2008 Annual Average PM_{2.5} Concentrations*. A variety of urban and industrial local sources of PM_{2.5} also contribute the remaining 10 to 25% of the annual means for 2010 through 2012.

Figure C-3: Texas 2008 Annual Average PM_{2.5} Concentrations

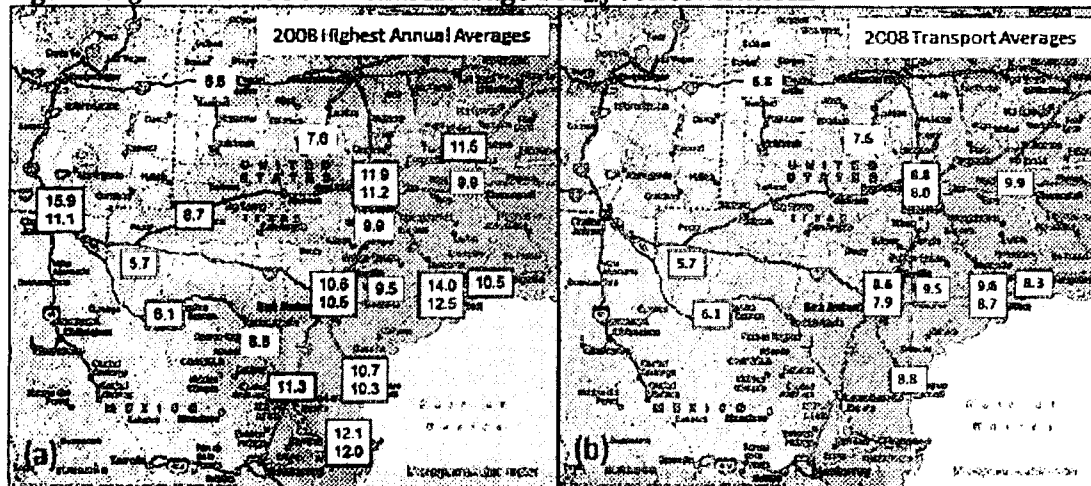


Figure C-3. Texas 2008 annual average PM_{2.5} concentrations. (a) Map showing the highest site annual averages by area, with the second highest shown in areas with more than one site. (b) Map showing the estimated annual average contribution from transport by area with the top average based on the second lowest area daily measurements for areas with more than one site (Lambeth, 2010).

REFERENCES

- Lambeth, B. (2010). Assessing PM_{2.5} Background Levels and Local Add-On. 2010 National Air Quality Conferences: Air Quality Forecasting, Mapping, and Monitoring, and Communicating Air Quality. Raleigh, NC: U.S. EPA.
- Sullivan, D. W., et al. (2013). Success in Reducing PM_{2.5} in the Neighborhood North of the Houston Ship Channel - Voluntary Efforts Based on Field Study Results and Source Attribution. Journal of the Air and Waste Management Association.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



THE STATE OF TEXAS
COUNTY OF TRAVIS
OCT 31 2013

OCT 31 2013

**Resolution Concerning the 2012 Revised Primary Annual Fine
Particulate Matter National Ambient Air Quality Standard
Designations**

Docket No. 2013-1391-MIS

WHEREAS, the Texas Commission on Environmental Quality (Commission) met on October 23, 2013 to discuss and consider designation recommendations for the revised primary annual fine particulate matter (PM_{2.5}) National Ambient Air Quality Standard (NAAQS) for submittal to the Governor for his consideration and transmittal to the United States Environmental Protection Agency (EPA); and

WHEREAS, the Commission finds that the EPA revised the primary annual standard for PM_{2.5} on December 14, 2012, setting the standard at 12.0 micrograms per cubic meter (µg/m³); and

WHEREAS, the Commission acknowledges that the Federal Clean Air Act (FCAA), § 107(d), requires the EPA, after the promulgation of a new or revised NAAQS, to designate areas as attainment, nonattainment, or unclassifiable; and

WHEREAS, the Commission acknowledges that the FCAA, § 107(d), also establishes a process for each Governor to provide recommendations to the EPA regarding appropriate designations for the revised primary annual PM_{2.5} NAAQS for their state, including appropriate geographic boundaries; and

WHEREAS, the Commission acknowledges that the EPA has specified a deadline for the submittal of recommended designations for the revised primary annual PM_{2.5} NAAQS of December 13, 2013; and

WHEREAS, the Commission acknowledges that the EPA recommends that states identify areas not in compliance with the revised NAAQS using the most recent three years of air quality data, preferably data from calendar years 2010 through 2012, stored in the EPA Air Quality System (AQS) from Federal Reference Method and Federal Equivalent Method monitors that are sited and operated in accordance with 40 Code of Federal Regulations (CFR) Part 58; and

WHEREAS, the Commission finds that based on AQS monitoring data from 2010 through 2012, the demonstration of exceptional event days and historical trends, all monitors in Texas with data eligible for comparison to the

revised primary annual PM_{2.5} NAAQS meet the revised standard (Attachments A, B and C); and

THEREFORE, BE IT RESOLVED, that the Commission hereby requests the Governor of Texas to submit a designation recommendation of attainment for all counties of the state with EPA AQS monitors in compliance with the revised primary annual PM_{2.5} NAAQS and unclassifiable/attainment for all other counties of the state, to the EPA for consideration, along with data analysis supporting this recommendation, by the EPA's requested deadline of December 13, 2013.

Issued date: OCT 30 2013

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY


Bryan W. Shaw, Ph.D., Chairman

Mississippi Department of Environmental Quality
Office of Pollution Control

AIR DIVISION

515 E. Amite Street
Jackson, MS 39201
Fax Number (601) 961-5742

FAX TRANSMITTAL SHEET

Please deliver the following 3 pages, including transmittal sheet to:

Name: Mr. Stephen L. Johnson and Mr. Granta Nakayama

Fax Number: _____

Location: EPA- Administrator Office

Date: 9/11/2008

From: Ms. Maya Rao

Phone Number: 601-961-5242

Message: Included is the Fuel Waiver Request
for the State of Mississippi. We respectfully
request your response as quickly as
possible.

Thank you,
MR.

**STATE OF MISSISSIPPI**

HALEY BARBOUR

GOVERNOR

MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY

TRUDY D. FISHER, EXECUTIVE DIRECTOR

September 11, 2008

VIA FACSIMILIE TO (202) 501-3842, (202) 564-0069, and (303) 236-9514

Mr. Stephen L. Johnson, Administrator
United States Environmental Protection Agency
Suite 1102A, Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

AND

Mr. Granta Nakayama, Assistant Administrator
United States Environmental Protection Agency
Suite 1102A, Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Request for Waiver of
RVP 9.0 Related to Hurricane Gustav and Hurricane Ike

Dear Administrator Johnson:

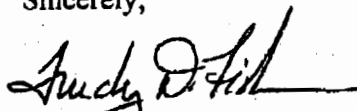
I am writing this letter on behalf of the Governor of the State of Mississippi, the Honorable Haley Barbour. This letter shall serve as the State of Mississippi's and the Mississippi Department of Environmental Quality's written request for a waiver from 9.0 RVP fuel requirements for all counties in Mississippi through September 16, 2008.

Based on information from suppliers in the aftermath of Hurricane Gustav, refinery shutdowns in Louisiana and Texas along with previous RVP waivers granted to North Carolina, Georgia, Alabama, and Louisiana allowing 9.0 RVP in certain areas have created a higher demand and shorter supply for 9.0 RVP gasoline, which is required for use in Mississippi until September 16. Deliveries at the pipeline terminals in Collins, MS, and Meridian, MS, between now and September 16 are expected to be at significantly lower volumes than scheduled if the 9.0 RVP requirement remains. These terminals are vital to fuel distribution across the state. Additionally, preparations due to Hurricane Ike are also limiting the production and transport of 9.0 RVP gasoline. Due to these challenges, severe shortages are possible through 9/16.

Major refineries in the region have informed the Governor's Office that 11.5 RVP gasoline is currently available for transport and, if allowed, would alleviate the expected low supply problem. To provide relief to fuel suppliers, terminal operators, and pipelines, Mississippi is requesting enforcement discretion from the 9.0 RVP fuel.

We trust that you will favorably respond to our request to maximize fuel supply for the safety and interest of the public. Please respond to this waiver request as soon as possible. If you have any questions about this request, please do not hesitate to contact us.

Sincerely,

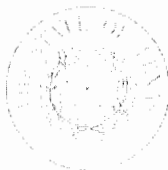


Trudy D. Fisher
Executive Director

TDF/MR:jar

cc: Kurt Gustaffon
James I. Palmer, Jr.
Ery Pickell

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

September 8, 2008

Mr. Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

AND

Mr. Granta Nakayama,
Assistant Administrator
Office of Enforcement & Compliance Assurance (OECA)
Mail Code 2201A, Room AR 3204
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: Request for Fuel Waiver Extension of Low Reid Vapor Pressure Gasoline (RVP) and Reformulated Gasoline (RFG) Due to Hurricane Gustav and Hurricane Ike

Dear Mr. Johnson and Mr. Nakayama:

As a result of the disruption in the supply of fuel caused by Hurricane Gustav and the approach of Hurricane Ike, on behalf of Governor Rick Perry, the Texas Commission on Environmental Quality (TCEQ) requests the United States Environmental Protection Agency (EPA) exercise its authority under the Clean Air Act to temporarily waive federal clean fuel requirements by extending the Low RVP and RFG fuels waivers that were issued by EPA on September 1, 2008, for the eight county Houston-Galveston-Brazoria and four county Dallas/Fort Worth RFG areas, and the ninety-eight counties that are required to use Low RVP gasoline. The Low RVP and RFG fuels waivers are currently set to expire on September 10, 2008. TCEQ requests these waivers be extended through October 1, 2008. Attached is a disaster proclamation recently issued by Governor Perry to address Hurricane Ike.

As you are aware, Texas provides more than 25% of the nation's finished gasoline, and as such fuel regulations impacting Texas also affect the nation. Texas refiners are seeing

1
Page 2

Mr. Johnson and Mr. Nakayama

continued fuel supply pressures as a result of Hurricane Gustav and the associated shutdowns of refineries in Louisiana and Mississippi. As a result of Hurricane Gustav, Texas refineries reported seeing a 600% increase in demand. We expect a similar condition as Hurricane Ike continues its path into the Gulf of Mexico. The current National Hurricane Center track predicts landfall of Hurricane Ike very near Houston, Texas. If this track holds true and given the predicted strength of Hurricane Ike at landfall, evacuations are certainly a possibility. As a part of Texas hurricane preparedness planning, the Texas Department of Transportation has already activated their highway signs warning coastal residents of the potential hurricane and that residents should keep their gas tanks full. The State Operations Center has begun surging fuel to coastal areas of Texas in order to address the heightened demand and to support any evacuations deemed necessary. The current waiver for Hurricane Gustav was necessary to give Texas refiners the flexibility to supply fuel where it was needed without triggering a variety of fuel blend thresholds and to increase production. The same supply pressures continue to exist and will undoubtedly increase as Hurricane Ike continues its approach to the Gulf Coast. Extending the waiver at this time will help to address the supply issues by not requiring the time necessary to changeover to production of multiple fuel blends. Without the waiver extension, some fuels may need to be reformulated which could further affect supply at a time when another major hurricane will impact the Gulf Coast and very likely the Texas coast. If landfall of Hurricane Ike results in refinery shutdowns, the shutdowns will require 36-48 hours to accomplish.

We are also asking that EPA clarify that the 1 psi waiver for ethanol applies so that any mixture of conventional gasoline, RFG or RBOB supplied to Dallas or Houston can be up to 10.0 psi RVP if blended with any amount of ethanol and that the 1psi waiver applies to all gasoline mixes with ethanol concentrations up to 10% in any of the low RVP counties.

If you have any questions, please feel free to contact Mr. Minor Hibbs, P.E., Keith Sheedy, P.E., or Guy Hoffman of the Chief Engineer's Office, at (512) 239-6590, (512) 239-1556, or (512) 239-6338 respectively.

Sincerely,



Mark Vickery
Executive Director



STATE OF TENNESSEE

PHIL BREDESEN
GOVERNOR

September 5, 2008

Mr. Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Mr. Johnson:

I am writing on behalf of the State of Tennessee to request relief from federal 7.8 RVP gasoline requirements for Davidson, Rutherford, Sumner, Williamson, Wilson and Shelby Counties. This request was made necessary because of the effects of Hurricane Gustav in pipeline availability.

We respectfully ask that the waiver continue through September 15, 2008, which is the end of the period for which low RVP gasoline is required under normal circumstances.

Thank you for your consideration of this request. If you have any questions or need additional information or documentation, please feel free to contact either Tracy Carter (615-532-0127; tracy.carter@state.tn.us) or Barry Stephens (615-532-0525; barry.stephens@state.tn.us) at the Tennessee Department of Environment and Conservation.

Warmest regards,

A handwritten signature in dark ink, appearing to read "Phil Bredesen", written over a horizontal line.

Phil Bredesen

cc: Granta Nakayama, EPA Assistant Administrator
Tracy Carter, Tennessee Department of Environment & Conservation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 11 2008

The Honorable Bob Riley
Governor
State of Alabama
State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130

The Honorable Charlie Crist THE ADMINISTRATOR
Governor
State of Florida
400 S. Monroe Street
Tallahassee, Florida 32399-0001

The Honorable Sonny Perdue
Governor
State of Georgia
203 State Capitol
Atlanta, Georgia 30334

The Honorable Bobby Jindal
Governor
State of Louisiana
P.O. Box 94004
Baton Rouge, Louisiana 70804

The Honorable Haley Barbour
Governor
State of Mississippi
P.O. Box 139
Jackson, Mississippi 39205

The Honorable Michael F. Easley
Governor
State of North Carolina
20301 Mail Service Center
Raleigh, North Carolina 27699

The Honorable Mark Sanford
Governor
Office of the Governor
P.O. Box 12267
Columbia, SC 29211

The Honorable Phil Bredesen
Governor
State of Tennessee
Tennessee State Capitol
Nashville, Tennessee 37243

The Honorable Rick Perry
Governor
State of Texas
P.O. Box 12428
Austin, Texas 76711

Re: September 2008 Fuel Waiver Concerning the States of Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Texas

Dear Governors:

As the result of the effects on the supply and distribution of fuel caused by several tropical storms and hurricanes during August and September, I issued waivers of certain federal and state gasoline requirements in Alabama, Florida, Georgia, Louisiana, North Carolina,

Tennessee and Texas. The continuing effects of these storms on the Gulf area fuel production and distribution system, in combination with impacts resulting from the impending landfall of Hurricane Ike, have resulted in additional disruptions to the refineries and pipelines serving your states. I have also received a requests made by some of you or on your behalf for a waiver under the Clean Air Act (CAA) to address this continuing fuel supply emergency. In response to those requests, EPA has determined, and the United States Department of Energy (DOE) concurs, that it is necessary to take action to minimize or prevent disruption of an adequate supply of gasoline in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Texas. By this letter, I am granting a waiver of certain federal and state gasoline requirements, as described below.

As you know, regulations promulgated under the Clean Air Act require gasoline sold in portions of Alabama, Florida, Georgia, Texas, Louisiana, North Carolina, Tennessee and Texas to have maximum Reid Vapor Pressure (RVP) of 7.8 pounds per square inch (psi) during the "high ozone" season, through September 15, 2008, and gasoline with 9.0 psi RVP in all other areas of these states and in Mississippi and South Carolina ("summertime gasoline" requirements).¹ See 40 C.F.R. § 80.27 and 66 Fed. Reg. 20927 (Texas low RVP). Gasoline with a 7.0 psi RVP is required in the Birmingham, Alabama and Atlanta, Georgia areas, and gasoline sold in the Atlanta area is also required to meet additional sulfur averaging requirements, under the State Implementation Plan (SIP) for those States. See 66 Fed. Reg. 47142 (Alabama) and 67 Fed. Reg. 8200 (Georgia). Federal regulations also require that reformulated gasoline (RFG) be sold in the Houston-Galveston-Brazoria area and in the Dallas areas (the "RFG covered areas"). See 40 C.F.R. §§ 80.41, 80.70(h) and (j)(12). EPA, in consultation with DOE, has been evaluating the impact of fuel supplies to all of these states as the result of disruptions to the fuel production and distribution system serving these areas. Gulf-area pipeline shutdowns, numerous refinery shutdowns and port closures occurring in advance of Hurricane Ike's landfall are constraining already tight gasoline supplies for each of these states meeting the summer time "high ozone" RVP requirements and, where applicable, RFG requirements. Based on this evaluation, EPA has determined, and DOE concurs, that it is necessary to take the following action to minimize or prevent disruption of the supply of gasoline to these areas.

I have determined that an "extreme and unusual fuel supply circumstance" exists that will prevent the distribution of an adequate supply of gasoline to consumers in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Texas. CAA § 211(c)(4)(C)(ii)(I), 42 U.S.C. § 7545(c)(4)(C)(ii)(I). This extreme and unusual fuel circumstance is the result of several tropical storms and hurricanes, natural disasters that could not reasonably have been foreseen or prevented, and is not attributable to a lack of prudent planning on the part of suppliers of the fuel to these areas. CAA § 211(c)(4)(C)(ii)(II), 42 U.S.C. § 7545(c)(4)(C)(ii)(II). Furthermore, I have determined that it is in the public interest to grant this waiver and that this waiver applies to the smallest geographic area necessary to address the fuel supply circumstances. CAA § 211(c)(4)(C)(ii)(III) and (iii)(I), 42 U.S.C. § 7545(c)(4)(C)(ii)(III)

¹ The "high ozone" season in 95 counties in eastern Texas runs through October 1, 2008.

and (iii)(I).

Therefore, to minimize or prevent disruptions with the supply of gasoline, I am today issuing this waiver of the federal and state SIP summertime gasoline requirements in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Texas, as well as RFG requirements in Texas, as identified below. This waiver is effective beginning immediately and will continue through the remainder of the summertime "high ozone" period through September 15, 2008 in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Texas, and through September 30, 2008 in eastern Texas. Under this temporary waiver, regulated parties may sell or distribute conventional gasoline (CG) with an RVP of 11.5 psi in these areas. Regulated parties should continue to sell or distribute gasoline meeting the 9.0 psi RVP, 7.8 psi RVP, 7.0 psi RVP or RFG standards, where applicable, where such supplies are available. In addition, I am also waiving the requirement of 40 C.F.R. § 80.27(d) that a gasoline must have between 9% and 10% ethanol by volume in order to qualify for the "special provisions for alcohol blends" that increase the RVP standard by 1 psi. Under this waiver, gasoline with less than 9% ethanol by volume will qualify for the "special provisions for alcohol blends" requirement.

Waiver of the 7.8 psi and 9.0 psi RVP Requirement

Florida. This waiver is effective in the following counties in which the 7.8 psi RVP requirement applies: Broward, Dade, Duvall, Hillsborough, Palm Beach and Pinellas. This waiver is effective in all other counties where 9.0 psi RVP gasoline is required in Florida through September 15, 2008. This waiver allows the distribution and sale of 11.5 psi RVP throughout Florida for this period.

Louisiana. This waiver is effective in the following sixteen parishes in which the 7.8 psi RVP requirement applies: Ascension, Beauregard, Calcasieu, E. Baton Rouge, Iberville, Jefferson, Lafayette, Lafourche, Livingston, Orleans, Point Coupee, St. Bernard, St. Charles, St. James, St. Mary, and W. Baton Rouge. This waiver is effective all other parishes where 9.0 psi RVP gasoline is required in Louisiana through September 15, 2008. This waiver allows the distribution and sale of 11.5 psi RVP throughout Louisiana for this period.

Mississippi. This waiver is effective all counties where 9.0 psi RVP gasoline is required in Mississippi through September 15, 2008. This waiver allows the distribution and sale of 11.5 psi RVP throughout Mississippi for this period.

North Carolina. This waiver is effective in the following North Carolina counties in which the 7.8 psi RVP requirement applies: Davidson, Durham, Forsyth, Gaston, Guilford, Mecklenburg and Wake, and in those parts of Davie and Granville counties where the 7.8 psi RVP requirement applies. This waiver is effective in all other counties where 9.0 psi RVP gasoline is required in North Carolina through September 15, 2008. This waiver allows the distribution and sale of 11.5 psi RVP throughout North Carolina for this period.

South Carolina. This waiver is effective all counties where 9.0 psi RVP gasoline is required in South Carolina through September 15, 2008. This waiver allows the distribution and sale of 11.5 psi RVP throughout South Carolina for this period.

Tennessee. This waiver is effective in the following Tennessee counties in which the 7.8 psi RVP requirement applies: Davidson, Rutherford, Shelby, Sumner, Williamson, and Wilson. This waiver is effective in all other counties where 9.0 psi RVP gasoline is required in Tennessee through September 15, 2008. This waiver allows the distribution and sale of 11.5 psi RVP throughout Tennessee for this period.

Texas. This waiver is effective in all Texas counties in which the 7.8 psi RVP requirements apply.² This waiver is effective in all other counties where 9.0 psi RVP gasoline is required in Texas through September 30, 2008. This waiver allows the distribution and sale of 11.5 psi RVP throughout Texas for this period.

Waiver of the RVP Requirements in Alabama and Georgia

Alabama. This waiver is effective in the following Birmingham-area counties in which the 7.0 psi RVP requirement applies: Jefferson and Shelby. This waiver is effective in all other counties where 9.0 psi RVP gasoline is required in Alabama through September 15, 2008. This waiver allows the distribution and sale of 11.5 psi RVP throughout Alabama for this period.

Georgia. This waiver is effective in the following 45 Atlanta-area counties in which the 7.0 psi RVP and sulfur averaging requirements apply: Banks, Barrow, Bartow, Butts, Carroll, Chattooga, Cherokee, Clarke, Clayton, Cobb, Coweta, Dawson, DeKalb, Douglas, Fayette, Floyd, Forsyth, Fulton, Gordon, Gwinnett, Hall, Haralson, Heard, Henry, Jackson, Jasper, Jones, Lamar, Lumpkin, Madison, Meriwether, Monroe, Morgan, Newton, Oconee, Paulding, Pickens, Pike, Polk, Putnam, Rockdale, Spalding, Troup, Upson and Walton. This waiver is effective all other counties where 9.0 psi RVP gasoline is required in Georgia through September 15, 2008. This waiver allows the distribution and sale of 11.5 psi RVP throughout Georgia for this period. This waiver does not change the requirement that gasoline sold or distributed in the Atlanta area must meet the federal low-sulfur requirements. *See* 40 C.F.R. Part 80, Subpart H. Regulated parties (including pipelines, terminals, distributors, retailers and wholesale purchaser consumers)

² The following 95 eastern Texas counties have a 7.8 psi RVP requirement through October 1, 2008: Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bell, Bexar, Bosque, Bowie, Brazos, Burleson, Caldwell, Calhoun, Camp, Cass, Cherokee, Colorado, Comal, Cooke, Coryell, De Witt, Delta, Ellis, Falls, Fannin, Fayette, Franklin, Freestone, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Harrison, Hays, Henderson, Hill, Hood, Hopkins, Houston, Hunt, Jackson, Jasper, Johnson, Karnes, Kaufman, Lamar, Lavaca, Lee, Leon, Limestone, Live Oak, Madison, Marion, Matagorda, McLennan, Milam, Morris, Nacogdoches, Navarro, Newton, Nueces, Panola, Parker, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Jacinto, San Patricio, San Augustine, Shelby, Smith, Somervell, Titus, Travis, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Washington, Wharton, Williamson, Wilson, Wise, and Wood. The following Texas counties have a 7.8 RVP requirement through September 15, 2008: Hardin, Jefferson and Orange.

that receive fuel under this waiver may continue to dispense or sell this fuel until their supplies are exhausted.

In addition, I am waiving the federal requirement for 7.8 psi RVP and 9.0 psi RVP gasoline in those counties in Alabama and Georgia in which the requirement applies, through September 15, 2008.

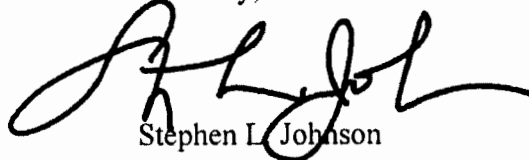
Waiver of the RFG Requirement in Texas

Regulated parties are allowed to sell and distribute CG in the following areas of Texas where RFG is required: The Houston-Galveston-Brazoria area (the counties of Brazoria, Fort Bend, Galveston, Harris, Liberty, Montgomery, Waller and Chambers) and the Dallas area (the counties of Collin, Dallas, Denton and Tarrant). This waiver allows the distribution and sale of 11.5 psi RVP in the Houston-Galveston-Brazoria and Dallas areas through September 30, 2008.

After September 30, 2008, regulated parties may not introduce gasoline that does not meet the RFG standards into terminal storage tanks from which gasoline is dispensed into trucks for distribution to retail outlets in the RFG covered areas. However, no later than October 21, 2008, the gasoline dispensed from such terminal tanks for distribution and sale in the RFG covered areas must meet all RFG standards. Retailers and wholesale purchaser-consumers may continue selling or dispensing CG gasoline in the RFG covered areas until their supplies are depleted.

EPA will continue to work with DOE and affected states to monitor the impact of Hurricane Gustav on the fuel supply situation in the Gulf region. If you have questions you may call me, or your staff may call Adam M. Kushner at (202) 564-2260.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen L. Johnson", is written over the typed name.

Stephen L. Johnson

cc: The Honorable Samuel W. Bodman
Secretary of Energy

AL-05-000-4109



OFFICE OF THE GOVERNOR

RICK PERRY
GOVERNOR

February 28, 2005

Administrator Michael Leavitt
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Leavitt:

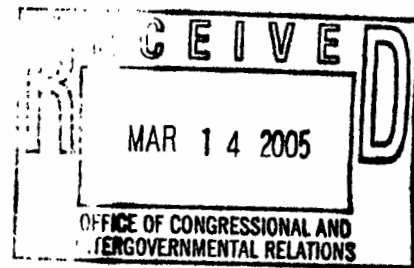
I am writing to request the Environmental Protection Agency's (EPA) assistance in ensuring that the entry of Mexican trucks into the United States does not undermine efforts in Texas to achieve clean air for all our citizens. Texas fully supports the proposition that economic opportunity and free trade need not be at odds with a clean environment. As you know, Texas was the only southern border state that did not join the Amicus Brief on behalf of Public Citizen in the Supreme Court case (*U.S.DOT v Public Citizen*).

I am writing to you because we would like to work in partnership with the EPA to find a creative, common sense approach to monitor cross-border commercial truck emissions. We are encouraged by EPA's efforts to develop a pilot project that would demonstrate innovative solutions to this problem.

The State of Texas has the greatest number of commercial truck border crossings among the four southern border states. Nearly 70 percent, or more than 3 million, of the Mexican trucks that entered the U.S. commercial zone in 2002 came through a border crossing in Texas. All projections indicate that cross-border trucking will increase in the future.

We are interested in pursuing technologies to monitor emissions from cross-border trucking to ensure that they do not pose a threat to our ability to meet clean air standards. For example, the AirCheckTexas Program uses remote sensing to identify high-emitting vehicles and gathers data for our mobile source inventory. A similar system geared toward commercial trucks could help us monitor and analyze emissions from cross-border trucking and could also be used to identify high-emitting vehicles. We believe that these technologies hold the key to ensuring that the increase in cross-border trucking does not come at the cost of public health or Texas' ability to reach attainment of air quality standards. We are therefore encouraged to learn that EPA is considering a project to demonstrate this technology in a cross-border application. We encourage the EPA to actively pursue this effort and ask the EPA to include Texas in future screening projects. Given the volume of truck traffic, a Texas border crossing is a logical choice for such a screening project.

Administrator Michael Leavitt
February 28, 2005
Page 2



Texas is committed to meeting the National Ambient Air Quality Standards (NAAQS) throughout the state. We are facing both existing and new nonattainment area challenges for ozone, as well as challenges in meeting attainment goals for Early Action Compact areas. These areas could be adversely impacted by additional emissions of oxides of nitrogen resulting from a higher volume of cross-border trucking. Heavy-duty diesel engines also contribute significantly to fine particulate emissions and air toxics. Very little is documented about the emissions levels of these pollutants from Mexican carriers. We do know that the Mexican trucks are older. We also know that when more rigorous emissions standards for U.S. trucks become effective in 2009, no similar standards will be in place in Mexico, and that Mexican trucks will likely have higher emissions than their U.S. counterparts. Unchecked emissions could exacerbate our air quality problems and make it more costly and difficult for us to meet the NAAQS.

To face the air quality challenge that increased cross-border commercial truck traffic presents, we would like to partner with EPA in future projects based on the remote sensing technology and look forward to reviewing the information garnered from the initial project efforts. A technology that can measure and monitor heavy duty diesel emissions accurately, quickly and conveniently would be a valuable tool for air quality managers in the border region.

With EPA's assistance and partnership, I believe that Texas can enjoy the economic benefits that result from free trade while achieving our clean air goals. Please ask the appropriate EPA program staff member to contact Candice Garrett, the director of the Texas Commission on Environmental Quality's (TCEQ) Air Quality Planning and Implementation Division, at 512/239-2376, at your earliest convenience to discuss the request raised in this letter.

Sincerely,

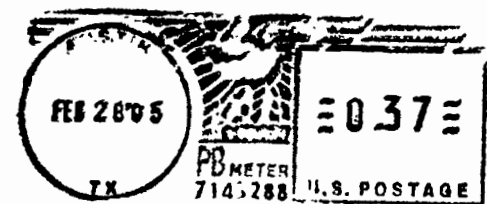

Rick Perry
Governor

RP:zcp

cc: Mr. Richard Greene, Regional Administrator, EPA Region 6
Mr. Jeffrey R. Holmstead, EPA Assistant Administrator for Air and Radiation
Ms. Kathleen Hartnett White, Chairman, TCEQ
Mr. R. B. "Ralph" Marquez, Commissioner, TCEQ
Mr. Larry R. Sword, Commissioner, TCEQ
Ms. Candice Garrett, Director, Air Quality Planning and Implementation Division, TCEQ



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AUSTIN, TEXAS 78711



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Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

11014





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 27 2005

THE ADMINISTRATOR

The Honorable Rick Perry
Governor of Texas
P.O. Box 12428
Austin, Texas 78711

Dear Governor Perry:

Thank you for your letter of February 28, 2005, in which you expressed your concerns about the potential air pollution impacts from the entry of Mexican trucks into the United States. I very much appreciate your interest in partnering with the U.S. Environmental Protection Agency (EPA) to monitor cross-border commercial truck emissions and to identify innovative solutions to any related problems.

EPA is committed to a policy of harmonizing more protective environmental standards among the three North American Free Trade Agreement signatories. We believe the adoption by Mexico of U.S. truck emission standards and U.S. fuel standards is the most beneficial way to help address border emissions from trucks. While we have cause to believe that the Mexican government will approve these stricter standards, their implementation could lag behind the U.S. by one or more years. Thus, interim actions that the State of Texas and EPA can take together could be very helpful.

In an effort to demonstrate the effectiveness and importance of reducing diesel emissions to our Mexican partners, EPA is sponsoring several initiatives. First, EPA is sponsoring a diesel retrofit project in Mexico City. In this project, buses are operating now with advanced exhaust emission controls and ultra-low sulfur diesel fuel. This serves as a demonstration project for the Mexican government of the benefits of advanced diesel emission controls and clean fuel. Second, our EPA Regional Office in Dallas has provided funding for retrofitting school buses in the Laredo Independent School District to burn ultra-low sulfur diesel fuel and supplying such fuel. In addition to reducing pollution risks to American children, this effort serves as a demonstration to Mexican officials in the border zone.

As you mentioned in your letter, EPA is supporting a new pilot project now beginning on the border between Nogales, Arizona and Mexico. EPA, along with the Mexican government, the Arizona Department of Environmental Quality and Environmental Systems Products, launched this project on March 10, 2005. This pilot project will assess the capabilities of emission testing technologies such as remote

sensing, opacimeters and portable emission monitoring systems for characterizing in-use emissions and for identifying gross emitters crossing from Mexico. The outcome of this project will be important to all states that receive significant Mexican truck traffic. Additionally, EPA is also involved in a project south of San Diego, California, where the Air Resources Board (CARB) is conducting an analysis of the truck fleet that routinely crosses the California-Baja border.

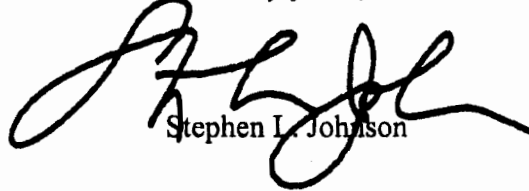
Of particular interest, our Dallas office is in the initial stages of planning a study employing remote sensing techniques to quantify pollution from idling trucks on international bridges in the El Paso-Ciudad Juarez area. This project will enable a full assessment of the impacts from such trucks and provide valuable information about how such emissions can be mitigated while encouraging the smooth flow of commercial traffic.

Finally, to facilitate projects including those to reduce diesel emissions from Mexican trucks, our Dallas office has issued a Request for Proposal (RFP) for up to \$1.5 million to state, local, and tribal governmental agencies. That RFP has been shared with the Texas Commission on Environmental Quality (TCEQ), and we would look forward to working with TCEQ on related projects.

With all these efforts underway, I am confident that the State of Texas and EPA can work cooperatively to successfully address the challenge that increased Mexican diesel truck traffic will bring. Our staff in the Dallas EPA office have been in contact with TCEQ staff about these efforts, and they look forward to working with TCEQ Commissioners and senior management on a comprehensive plan to address these and other U.S.-Mexico border environmental problems.

Again, thank you for your letter. Please do not hesitate to contact me or Andrew Hanson in our Office of Congressional and Intergovernmental Relations at (202) 564-3664 if we can be of further assistance.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'S. Johnson', is written over the typed name. The signature is fluid and cursive, with a large loop at the end.

Stephen L. Johnson